



# **MIGRANT POPULATION IN LOCAL COMMUNITIES IN SERBIA**



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Publisher:

Atina- Citizens' Association for Combat against Trafficking in Human Beings and all Forms of Violence against Women

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Design: mkart

Printed by: Standard 2

Number of copies: 500

Belgrade, 2014.

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This publication was produced with the help of the European Union and the Office for Cooperation with Civil Society of the Government of the Republic of Serbia. The content of this publication is the sole responsibility of the author and does not necessarily reflect the views of the European Union or the Office for Cooperation with Civil Society of the Government of the Republic of Serbia.



Government of the Republic of Serbia  
Office for Cooperation with civil  
society



This project was funded  
by the European Union

# CONTENT

INTRODUCTION .....	6
METHODOLOGY .....	8
<i>Research goals</i> .....	8
<i>Course of the research and a sample.</i> .....	11
INTERNATIONAL AND NATIONAL STANDARDS IN THE PROTECTION OF MIGRANTS	
International standards .....	14
<i>United Nations</i> .....	14
<i>Council of Europe</i> .....	18
<i>European Union</i> .....	19
National legislative framework .....	21
<i>Constitution of the Republic of Serbia</i> .....	21
<i>Law on Asylum</i> .....	22
<i>Law on Foreigners</i> .....	24
<i>Law on Migration Management</i> .....	25
<i>Criminal Code</i> .....	26
<i>Law on Health Care</i> .....	27
<i>Law on the Foundations of the Education System</i> .....	28
Strategic framework and bylaws .....	29
POSITION OF MIGRANTS IN SERBIA	
Understanding the phenomenon of migration. ....	36
<i>Countries of origin</i> .....	36
<i>Causes of migration</i> .....	38

<i>Travel organisation</i> .....	40
<i>Risks to which migrants are exposed</i> .....	41
Local responses to the needs of migrants and asylum seekers. ....	45
Challenges in responding to the needs of migrants and asylum seekers..	59
<b>RECOMMENDATIONS</b> .....	72
<b>SOURCES</b> .....	78
Reports, studies, newspaper articles .....	78
International documents.....	80
Laws of the Republic of Serbia.....	82
Strategies, bylaws. ....	83

# INTRODUCTION

Publication *Migrant population in local communities in Serbia* is produced within the project “*Opening a dialogue in local communities between citizens and migrants on mutual tolerance and non-violence*”, which was realized from November 2013 to December 2014 by *Citizens’ Association for Combat against Trafficking in Human Beings and all Forms of Violence against Women Atina*, in partnership with *Asylum Protection Centre APC/CZA*, and with the support of the European Union and the Office for Cooperation with Civil Society of the Government of the Republic of Serbia. The goal of the initiative was to develop effective models of response and reduce xenophobia and prejudice in local communities in Serbia. A goal formulated in such a way can also be understood in the light of creating an adequate mechanism for prevention of human trafficking and other forms of exploitation and violence which migrant population in Serbia is potentially exposed to. Project activities were focused on strengthening capacities of civil society organisations and professionals whose engagement is directed towards providing support to, and protection of, migrants. Empowering organisations, and migrants themselves, to develop and encourage a dialogue and exchange in local communities, which is the key aspect of the initiative, is viewed by Atina as a way to achieve their vision of life in the communities, characterised by understanding, respect, solidarity, full participation and care for all their members.

At the time this publication was created, trained cultural mediators - representatives of the migrant population - began their work, and we are hoping that this model of support for integration will continue to grow, and that it will spread beyond the five communities currently involved in the project - Bogovađa (Lajkovac), Banja Koviljača (Loznica), Subotica, Sremska Mitrovica and Šid.

The publication itself represents the basis for consideration of all the elements of the initiative “*Opening a dialogue in local communities between citizens and migrants on mutual tolerance and non-violence*”. Each segment of the research - analysis of international standards and national legislative and strategic framework, the analysis of in-depth interviews with migrants and focus-group interviews with professionals from the communities involved in the project, as well as the identified challenges and recommendations - served to create a series of activities in which the migrants actively and devotedly participated.



For shared consideration of possible directions for improvement of the status of migrant population in Serbia, which has been transformed into this publication, we owe special thanks to: Aleksandra Nikolić, Jelena Leskovic, Rima Kilani, Radoš Đurović, Jovana Vinčić, Mirko Rudić and Branimir Milovanović.

With this publication we wish to remind you that dialogue, cooperation and understanding need to be the only desirable models of communication in all the communities in Serbia.

Atina

## METHODOLOGY

The subject of the research, as a key part of this publication, are policies and practices of integration and protection of migrants in Loznica, Šid, Subotica, Sremska Mitrovica and Lajkovac, in the context of intensification of migratory movements in these towns or in their immediate surroundings. Existing practices which protect particularly vulnerable groups within the migrant population, in the context of prevention of human trafficking and other forms of exploitation and violence, are also a specific focus of the research.

A general situation, in which the research took place, is characterized by an increase in the number of migrants and asylum seekers in Serbia, and by the obligation of our country to build an asylum system that would adequately respond to their needs, by providing conditions for admission, accommodation, exercise of rights to financial assistance, access to healthcare and education system... It certainly entails a coordinated approach of different sectors and different levels of government, including increased demands set in front of actors at the local level. At the same time, fundamental reform processes have been taking place for years now, in all the sectors relevant both to assistance and integration of the migrants - social welfare sector, healthcare, education, the police - and which, among other things, include gender sensitivity, orientation towards preventive programmes, approach based on human rights, as well as increased responsibilities of local governments when it comes to care for particularly vulnerable groups.

### Research goals

Being mindful of this, as well as of the fact that the focus of project activities is at the local level of intervention, the **goal of the research** is defined as gaining insight and understanding of the phenomenon of migration (residence of irregular migrants and asylum seekers) in Loznica, Šid, Subotica, Sremska Mitrovica and Lajkovac, and developing recommendations for the construction, or improvement, of local mechanisms of assistance and integration of migrants, taking into account groups that are particularly vulnerable to the phenomenon of human trafficking and different forms of exploitation. **Specific goals** were formulated in the following manner:

1. Understanding international standards of protection, in the fields of migration and asylum issues, relevant to national context;
2. Understanding national legislative and regulatory frameworks in the field of migrations, with a focus on standards in protection of the rights of migrant population and particularly vulnerable groups within it (groups particularly vulnerable to the phenomenon of human trafficking and different forms of exploitation and violence);
3. Establishing the level of knowledge and understanding of the migration phenomenon and vulnerability of migrant population to human trafficking and other forms of exploitation and violence by professionals at the local level;
4. Getting an insight into characteristics of the response of local systems to migrations and the status of migrants, as well as into the quality of cooperation between different actors at the local level;
5. Understanding challenges and obstacles in the implementation of existing regulations and in exercising the rights of migrants, and particularly vulnerable groups of migrants, in local communities, with a special focus on attitudes towards migrants;
6. Formulating recommendations for improvement of the response to the needs of migrants and particularly vulnerable groups of migrants, and for their integration in local communities.

The above stated goals were further operationalized through a series of **research questions**:

1. Which standards of protection have been established in the international system of protection, and how do domestic legislative and regulatory framework regulate the protection and integration of migrants (with the focus on particularly vulnerable groups within the migrant population)?
2. Which social processes/factors affect forced migrations? Which population groups are the most vulnerable to risks?
3. What are the greatest obstacles and risks migrants face during their journey and upon arrival to their destination?
4. Which protection mechanisms, programmes and services can irregular migrants, asylum seekers and particularly vulnerable groups of migrants

(potential victims of human trafficking) use within different systems (social welfare system, education, healthcare, civil sector) at the local level?

5. What are the mechanisms of cooperation between local actors from different systems? How would you assess this cooperation?
6. What are the greatest challenges in the system of protection and integration, and in the application of previously described mechanisms, programmes and services?
7. How do you interpret the reaction of citizens to information that migrants are staying in your town? Is there an interaction between citizens and migrants? How would you describe it?
8. Are there examples of good practice in response to the needs of migrants in your community? *(For example, a case of a sector reacting proactively, a member of migrant population immediately exercising a right, of successful integration into the local community and the like.)*
9. What are your recommendations for improving assistance to migrants in your community?
10. What kind of additional support do you, as representatives of institutions/organisations, need?
11. What are the ways to improve the dialogue between local communities and migrants?

As the local context in which migrants interact with citizens has not been a subject of special studies so far, it was particularly important to combine different sources of qualitative and, to a lesser extent, quantitative data. Thus, responding to the first specific goal (research question No.1) we used primary, source documents of international and national system which regulate the area of migration and asylum system, and especially those related to vulnerable groups within the migrant population. Starting with universal standards of protection and treatment of migrants and asylum seekers defined by UN conventions, we also presented current standards of protection of regional systems of the European Union and the Council of Europe, with regard to their specific importance for our country. When it comes to national legislation, it is presented starting with the Constitution, as the highest law act, through legislation in the sphere of migration policy and asylum system, criminal justice protection of victims of human trafficking, to the laws on social welfare and healthcare protection and education, as particularly important for

timely realization of rights and integration of migrant population. In addition to that, there in an overview of strategic documents and bylaws which further specify migration management system, the system of reception and housing conditions for asylum seekers, as well as the prevention and protection of victims of human trafficking.

In answer to other specific research goals (research questions No. 2-11), the analysis is primarily made on the basis of data obtained from focus-group interviews with representatives of different systems that have the authority to provide assistance, or work on measures of integration of migrant population at the local level. Their insights - primary data obtained from the interviews, were added to data on the number of asylum seekers, countries of origin, age and sex structure, the asylum procedure... provided by state agencies and institutions - social welfare centres, the police, Commissariat for Refugees and Migration. Key data on the position of migrants in Serbia, the degree of realisation of rights, and reasons for departure from their countries of origin, travel conditions and specific vulnerability to human trafficking and other forms of exploitation and violence, were obtained from the migrants themselves, and in this sense represent a frame of reference for understanding the needs of this population and subsequent formulation of recommendations for improvement of system of protection.

In order to gain a comprehensive insight into the ways in which the system of protection works, it was necessary to use the analysis and reports of civil society organisations, which provide not only complex qualitative data, but also ensure established critical review of the national practice of responding to migrations and asylum system, as well as of the practice of identification and protection of (potential) victims of human trafficking and other forms of exploitation and violence (these are primarily reports of the Asylum Protection Centre APC/CZA, Belgrade Centre for Human Rights, Group 484, Atina and the Open Society Foundation).

### *Course of the research and a sample*

Focus-group interviews in five communities involved in the project - Bogovađa (Lajkovac), Banja Koviljača (Loznica), Subotica, Sremska Mitrovica and Šid covered a total of 39 interviewees from the following sectors:

- Social welfare centres (Šid, Subotica, Sremska Mitrovica and Loznica)
- The police (Sremska Mitrovica, Subotica, Lajkovac, Loznica)

- County Jail (Subotica)
- Asylum Centre (Banja Koviljača)
- National Employment Agency (Subotica, Lajkovac, Loznica)
- The Red Cross (Šid, Lajkovac, Sremska Mitrovica)
- Refugee Commissioner (Lajkovac)
- Office for Youth (Šid, Sremska Mitrovica, Lajkovac)
- Health Centres (Loznica, Subotica)
- Primary school (Šid)
- Civil society organisations (Subotica, Šid, Sremska Mitrovica, Lajkovac, Loznica)
- Local media (Šid and Sremska Mitrovica)

Interviews were conducted during June-July 2014. The average duration of a focus-group interview was 90 minutes.

In-depth interviews were conducted with six migrants during the same period of time.



# INTERNATIONAL AND NATIONAL STANDARDS IN THE PROTECTION OF MIGRANTS

## International standards

*This section of the report will provide an overview of international standards of protection, when it comes to the area of migration and asylum system, with a special emphasis on the protection of particularly vulnerable groups within the migrant population. Bearing in mind that this area has been a subject of regulations for more than 50 years, we will focus on the most important standards which Serbia ratified, or which are important for the regulation of these areas in the national legislation. We will first present standards in the universal system of protection (United Nations), and then regional mechanisms (Council of Europe and the European Union).*

### *United Nations*

Standards and the system of protection of migrants are based on general documents and standards of human rights. One of fundamental provisions of the Universal Declaration on Human Rights <sup>1</sup> (1948) is the freedom from discrimination, i.e. enjoying equal rights and freedoms regardless of race, language, national origin, or status of a country or territory to which a person belongs (whether it is a sovereign country or not) (Article 2). Furthermore, holding a person in slavery and servitude is forbidden, as are all forms of slavery and human trafficking (Article 4), guaranteed are the freedom of movement (Article 13), the right of everyone to seek and enjoy asylum from persecution in other countries (Article 14) and the marriage may be entered into only with the free and full consent of the intending spouses (Article 16). These provisions have laid out the foundations for international standards in the protection of migrants and victims of human trafficking, who often come from the most vulnerable groups of migrant population.

<sup>1</sup> UN General Assembly Resolution (A/RES/217 A (III), Paris



**International Covenant on Civil and Political Rights 2** (1966) resulted from the Declaration and establishes a series of individual and collective rights. It also established the Human Rights Committee, which should be accompanied by commitment of its signatories to respect their obligations. Article 2 certifies the obligation of each State Party of the Covenant to ensure to all individuals within its territory, and subject to its jurisdiction, the rights recognized in the present Covenant without distinction of any kind, and the adoption of measures that will allow that these rights are realized. Any form of slavery and human trafficking is prohibited, as is servitude, as well as forced or compulsory labour (Article 8).

**International Covenant on Economic, Social and Cultural Rights 3**, that was adopted at the same time, aims to ensure the protection of all rights without discrimination (Article 2) and develops a set of rights related to work, healthcare, social protection, protection of children from social and economic exploitation and the right of all people to an adequate standard of living, including food, clothing and housing, compulsory, accessible and free primary education.

**Convention on the Status of Refugees 4** (1951) is the key document for understanding the contemporary international system of protection of refugees and migrants. With the adoption of the **Protocol** in 1967 all geographical and temporal restrictions of the original document have ceased to apply, and the Convention has received universal validity. This document is based on the above-mentioned Article 14 of the Universal Declaration, which guarantees the right of everyone to seek asylum from persecution in other countries. It has given the most comprehensive definition of the rights of refugees, with a single definition of the term, in contrast to previous international instruments pertaining to specific groups of refugees 5. Under the Convention, the term refugee applies to any person who, due to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, is unable or does not wish to seek protection, i.e. to return to the country of his nationality or of his former residence (Article 1). The fundamental principles on which the Convention is based are *non-discrimination* (Article 3), *non-punishment* of refugees who, coming from a territory where their life and freedom were in danger, illegally enter or stay in the host

<sup>2</sup> UN General Assembly Resolution 2200 A (XXI), New York. Law on Ratification of the International Covenant on Civil and Political Rights ("Official Gazette of SFRY", No. 7/71).

<sup>3</sup> UN General Assembly Resolution 2200 A (XXI), New York. Law on Ratification of the International Covenant on Economic, Social and Cultural Rights ("Official Gazette of SFRY", No. 7/71).

<sup>4</sup> Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons with annexes, made in Geneva on 28 July 1951. The Conference of Plenipotentiary convened by resolution 429 (V) of the General Assembly of the United Nations on 14 December 1950, in order to complete editorial and signed the Convention on the status of Refugees. It entered into force on 22 April 1954, in accordance with Article 43. FNRJ ratified the Convention: Regulation on the Ratification of Convention on the status of Refugees with the final act of the UN Conference of Plenipotentiary on the Status of Refugees ("Official Gazette of FNRJ – International contracts and other agreements", No. 7/60).

<sup>5</sup> <http://www.unhcr.org/3b66c2aa10.html>

country. If they report to the authorities without delay and show good reason for irregular entry (Article 31) *the prohibition of expulsion or return by force* to a territory where his life or freedom would be threatened shall take effect, unless there are reasonable grounds to believe that the person is a threat to security of the country or community he is in (Article 33). Furthermore, the Convention sets out minimum standards for the treatment of refugees, specifically guarantees the rights and the same procedures applied to the citizens with regard to access to courts (Article 16), paid employment (Article 17), distribution of social goods (Article 20), primary education (Article 22), the right to an identity and travel document (Articles 27 and 28). UN High Commissioner for Refugees (UNHCR) has a special role in overseeing the implementation of the Convention and the Protocol. States Parties shall cooperate with the Commissariat, submit reports, provide information concerning both the status of refugees, and the implementation of the Convention and national legislation governing the status of refugees (Article 35).

In addition to the Convention, as the basic document of international protection, rights of migrant population and particularly vulnerable groups within it, are also guaranteed by other documents of the United Nations, especially those related to human trafficking and the protection of children's rights. Thus, **the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol)** along with the **Convention against Transnational Organized Crime 6** (2000) provide universal definition of human trafficking, which is applied to the legal system of Serbia; and which defines human trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” Exploitation includes “exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs...”. Victim's consent to exploitation is irrelevant if it is gained by any of these measures. The Convention provided a comprehensive view of answers to trafficking that involves prevention, protection of victims and prosecution of the perpetrators (the so-called 3P paradigm - prevention, protection, prosecution 7). Prevention includes the prevention of secondary victimization and mitigation of risk factors such as

<sup>6</sup> UN General Assembly Resolution A/RES/55/25, New York. Former Federal Republic of Yugoslavia ratified the Convention and related protocols in 2001 by its adoption: “The Law on Ratification of the UN Convention against Transnational Organized Crime and its Protocols Official Gazette of FRY” - International Treaties, No. 6/2001

<sup>7</sup> <http://www.state.gov/documents/organization/144603.pdf>

poverty (Article 9), and support and protection of victims includes physical, psychological and social recovery (provision of housing, counselling and information about rights, further education, training and employment...) (Article 6).

When the standards for protection of children's rights are concerned, certainly the most relevant document is the **Convention on the Rights of the Child 8** (1989) whose one of the four principles is non-discrimination, i.e. obligation of Member States to ensure the rights of the Convention for all children who are under their jurisdiction (Article 2). There is also the principle of giving primary consideration to the best interests of the child (Article 3), and recognized right of every child to immediately after birth have a name, welfare and citizenship (Article 7), and Member States are obliged to respect the right to preserve the identity, including the citizenship (Article 8). Furthermore, the child has the right to express their views on all matters affecting him, and is given due attention, and is given an opportunity to be heard in proceedings relating thereto, directly or through an representative (Article 12). The obligation of the state parties is to take all necessary measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual exploitation (Article 19), to take measures to prevent the abduction, sale and trafficking of children (Article 35), as well as to ensure the recovery and reintegration of child victims from exploitation, cruel and humiliating treatment (Article 39). Due to the subject of research, it is necessary to also cite the Article 22 of the Convention, which includes the obligation of Member States to provide appropriate protection and humanitarian assistance to a child who is seeking refugee status or who is considered a refugee, regardless of whether it is accompanied by a parent or not. This includes, inter alia, providing assistance and finding their parents or other family members to obtain information.

The Convention was amended by the **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography 9** (2000), which contains detailed requirements for suspension of sexual exploitation and abuse of children and the protection of children from sale for cash or any other form of payment, as well as the **Optional Protocol on the Involvement of Children in Armed Conflicts 10** (2000), which obliges Member States to protect children from recruitment and participation in armed conflicts.

<sup>8</sup> UN General Assembly Resolution A/RES/44/25, New York. SFRY and later FRY also ratified this convention - the Law on Ratification of the UN Convention on the Rights of the Child, "Official Gazette of SFRY International Treaties", No. 15/90 and "Official Gazette of FRY - International Treaties", No. 4/96 and 2/97

<sup>9</sup> UN General Assembly Resolution A/RES/54/263, New York. Yugoslavia ratified the Law on Ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography "Official Gazette of FRY - International Treaties", No. 7/2002.

<sup>10</sup> UN General Assembly Resolution A/RES/54/263, New York. Yugoslavia ratified the Law on Ratification of the Optional Protocol on the Involvement of Children in Armed Conflict. "Official Gazette of FRY - International Treaties", No. 7/2002.

## *Council of Europe*

Of regional instruments, we should mention the **European Convention for the Protection of Human Rights and Fundamental Freedoms 11** (1950) of the Council of Europe, which as a key instrument in the protection of civil and political rights includes provisions relevant to regulation of the status of migrant population, and particularly vulnerable groups among them. It also confirms the norm of the Universal Declaration - the prohibition of slavery, enslaving and performing forced or compulsory labour (Article 4), the right to an effective remedy (Article 13), the prohibition of discrimination (Article 14), while the subsequent documents defined status and rights of migrants more precisely.

The **Recommendation of the Council of Ministers on the interaction of migrants and receiving societies 12** (2011) stipulates that member states of the Council of Europe should take all the necessary measures to encourage a variety of opportunities for public interaction between migrants and the communities to which they come; to improve skills for interaction; encourage wider participation and training for those who participate and facilitate this interaction, promote recognition of the positive contribution of migrants in communities, strengthen the participation of migrants, provide flexible services tailored to their needs; provide an analysis of policies and their effects on the interaction, and recognition and respect of the complexity of the involvement of migrants in the development of policies, services and measures, etc. The Council of Ministers adopted specific recommendations related to various aspects of policy integration - **Recommendation on mobility, migration and access to health care 13** (2011), which precisely explains that the term "migrant" refers both to those who voluntarily change their country of residence, and to asylum seekers, refugees, victims of human trafficking, and as the effects of migration transfer transgenerationally, the coming generations are also taken into account; **Recommendation on validating migrants' skills 14** (2011); **Recommendation on strengthening the integration of children of migrants and of immigrant background 15** (2008).

<sup>11</sup> CETS No. 005, Rome, Serbia has ratified the Convention in 2003: Law on the Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("Off. Gazette of SCG" - International Treaties, No. 9/2003, 5/2005 and 7 / 2005 - amend., and "Off. Gazette - International Treaties", No. 12/2010

<sup>12</sup> Recommendation CM/Rec(2011)1 of the Committee of Ministers to member states on interaction between migrants and receiving societies

<sup>13</sup> Recommendation CM/Rec(2011)13 of the Committee of Ministers to member states on mobility, migration and access to health care

<sup>14</sup> Recommendation CM/Rec(2011)2 of the Committee of Ministers to member states on validating migrants' skills

<sup>15</sup> Recommendation CM/Rec(2008)4 of the Committee of Ministers to member states on strengthening the integration of children of migrants and of immigrant background

Bearing in mind the exposure of migrant population to the risk of human trafficking, it is important to note that the underlying regional document in this area is the **Convention on the fight against human trafficking 16** (2005), which comprehensively defines various aspects of the fight against human trafficking - from prevention and suppression, protection of rights and the provision of assistance to victims and witnesses of this criminal act, to improvement of cooperation at the international level. This document has been used as one of the foundations for the **Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse, which was signed two years later, 17** (2007), and focuses on the prevention and fight against sexual exploitation and abuse of children and the protection of the rights of child victims.

### *European Union*

Attempts of coordination and harmonization of asylum systems in the European Union are associated with the creation of Schengen zone, i.e. abolition of border controls between the Schengen countries. At the end of the nineties, these efforts were intensified and in 1999 work began on creating the Common European Asylum System (CEAS), which should lead to harmonization of common minimum standards **18**.

One of the main documents of asylum system of EU is **Dublin Regulation 19** (of 2003, replaced the previous Dublin Convention of 1990), which establishes the criteria and mechanisms for determining the relevant EU Member State which is responsible for examining applications for asylum submitted by a person who is not a citizen of the EU. The intention was to prevent the submission of applications for asylum in several countries, and this document is connected with the **Regulation on the establishment of Eurodac system 20**, i.e. establishment of a unified database of fingerprints of asylum seekers - EURODAC base.

**16**CETS No. 197, Warsaw. Serbia's ratification in the Parliament reaffirmed the Convention in 2009: Law on the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, "Official Gazette - International Treaties", No. 19/2009

**17** CETS No 201 .:, Lanzarote. This Convention has become part of the legal system of Serbia with its ratification in 2010: Law on Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Violence, "Official Gazette - International Treaties", No. 1/2010

**18** EC – Home Affairs: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm)

**19** Council Regulation (EC) No 343/2003. of February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining and asylum application lodged in one of the Member States by a third country national.

**20** Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.

Several more directives were issued later, which further developed a unique European Asylum System: the **Directive on minimum standards on procedures for granting and withdrawing refugee status** (Procedures Directive) [21](#) of 2005, **Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugee or as persons who otherwise need international protection and the content of protection granted** (Qualification Directive) [22](#) of 2004; **Directive on minimum standards for the reception of asylum seekers** (Directive on Reception Conditions) [23](#) and **Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons, and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof** (Directive on Temporary Protection) [24](#) of 2003.

Although it should create a unique and full implementation of the UN Convention on the status of Refugees in the EU, and the effective protection of asylum seekers, the asylum system of the European Union has been criticized. Some of the criticism is related to unequal responsibility for receiving and protecting refugees, i.e. the transfer of responsibilities to the new member states - countries on the borders of the Union. As these countries are generally poorer, distribution of responsibility is economically uneven as well. Also, the standards of admission, treatment and respect of the rights are questionable - consideration of asylum applications often takes too long, the conditions of entry to the territory, reception and accommodation of asylum seekers, as well as criteria for decisions on granting protection are often unfavourable and uneven among the Member States [25](#).

[21](#) Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

[22](#) Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

[23](#) Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

[24](#) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

[25](#) European Council on Refugees and Exiles, Report: Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered, 2008. i Asylum Information Database (AIDA), Report: Not There Yet: An NGO Perspective on Challenges to a Fair and Effective Common European Asylum System, 2013.

## National legislative framework

*Serbia faces numerous challenges in regulating migratory movements, both in terms of regulating the status of refugees, internally displaced persons and returnees under readmission agreements, and the establishment of asylum system, admission of foreign nationals and alignment of its legislative, administrative and institutional framework with the EU acquis and requirements for membership.*

*This section will present an overview of the laws governing the field of migration, with a focus on the specific research topic - standards in the protection of the rights of migrant population and particularly vulnerable groups within it. Beginning with the Constitution as the highest law act, we will present laws of several different areas - migration policy and asylum system, criminal law protection of victims of human trafficking and social, healthcare and education systems, in parts that are specifically relevant to the area of inclusion and exercise of rights of migrant population.*

### **Constitution of the Republic of Serbia**

Protection of the rights of migrants and particularly vulnerable groups within the migrant population is guaranteed by the **Constitution of the Republic of Serbia** <sup>26</sup>. The highest legal act guarantees foreign nationals in the Republic of Serbia all the rights guaranteed by the Constitution and the Law, except for the rights that are guaranteed only to citizens of Serbia (Article 17). Further, in accordance with international norms, the Constitution stipulates equality before the law and the Constitution, and prohibits discrimination on any grounds (Article 21). Bearing in mind the risk of human trafficking among migrant population, it should be noted that the Constitution prohibits enslaving and servitude, all forms of human trafficking, as well as forced labour, i.e. sexual or economic exploitation of disadvantaged persons (Article 26).

Article 39 of the Constitution, which guarantees freedom of movement provides that a foreign national may be expelled only under decision of the competent body, in a procedure stipulated by the law, and if time to appeal has been provided for him, and only when there is no threat of persecution based on his race, sex, religion, national origin, citizenship, association with a social group, political opinions, or when there is no threat of serious violation of rights guaranteed by the Constitution of Serbia. Accordingly, a foreign national with reasonable fear of persecution based on his membership to a particular social group, or his beliefs, has the right to asylum, and a procedure for granting it is also regulated by the law (Article 57).

<sup>26</sup> Constitution of the Republic of Serbia, "Official Gazette of RS", No. 98/2006.

## *Law on Asylum*

**The Law on Asylum** <sup>27</sup> is the basic act which began regulating the asylum system in Serbia. This document regulates the principles and procedure for obtaining the asylum protection, the scope, content and types of rights and obligations of asylum seekers and persons granted asylum.

Some of the **principles** of asylum system are defined in the first articles of the Law, and are there to ensure respect of the rights and protection of personal dignity, in accordance with international standards. These are primarily the principle of non-refoulement, or non-return regulated by Article 6, which states that no person shall be expelled or returned against their will to a territory where their life or freedom would be threatened on account of race, sex, language, religion, nationality, affiliation to a particular social group or political opinion. Exempt from this principle are persons who are reasonably believed to threaten the security of the country or who are convicted of a serious criminal offence, unless the return would expose them to a risk of torture, inhuman or degrading treatment or punishment. The law also stipulates the principle of non-discrimination on any grounds in the asylum procedure (Article 7), the principle of maintaining family unity and family reunification for persons granted asylum (Article 9), the principle of gender equality, which states that the person questioning, translating, interpreting or searching a person seeking asylum needs to be of the same sex (Article 14). The Law recognizes the following as persons with special needs: minors, persons fully or partially deprived of legal capacity, children separated from their parents or guardians, persons with disabilities, the elderly, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual abuse, and stipulates that their specific situation needs to be taken into account (Article 15). Guardianship authority has the obligation to appoint a guardian to unaccompanied minor before he/she applies for asylum, and the appointed guardian must attend the hearing, as required by Article 16 of the Law.

The Law recognizes **refugees** (Article 2) as those persons who are, due to well-founded fear of being persecuted on account of race, sex, language, religion, nationality, affiliation to a particular social group or political opinion, not able to, or out of fear refuse to, be put under the protection of their country of origin, and stateless persons who are outside of the country of previous residence, and are unable or out of fear unwilling to return to that country.

<sup>27</sup> The Law on Asylum, "Official Gazette of RS", No. 109/2007.



The same Article grants **subsidiary protection** to persons who would upon return to their country of origin be subjected to torture, inhuman or degrading treatment, or their lives, safety or freedom would be threatened by generalized violence caused by external aggression, internal conflicts or mass violation of human rights.

**Competent authorities** in the asylum system are Asylum Office, Commission and Centre. Asylum Office, as the competent organisational unit of the Ministry of the Interior, leads a proceeding and renders first-instance decisions on asylum requests (Article 19). Upon appeals, the second-instance verdict is rendered by the Asylum Commission, whose Chairman and members are appointed by the Government of the Republic of Serbia for a period of four years (Article 20).

The fourth part of the Law (Articles 22-35) explains the **asylum procedure**, which starts by expressing an intention in front of the authorized police officer, after which the persons' request is recorded and he/she should within the next 72 hours report to the Office, i.e. Asylum Centre. Recording includes issuing a certificate containing the information that can be determined at that point, and that allows residence for up to 72 hours. The next step is registration, which involves establishing identity, temporary retention of documents and issuing separate identity cards for asylum seekers. Submission of request for asylum to the officer of the Asylum Office is considered to be the beginning of the procedure for granting asylum. Before that, the alien shall be informed of the rights, particularly those related to free interpretation services, legal assistance, access to UNHCR. Office staff should then promptly conduct a hearing, i.e. determination of all facts relevant for deciding on asylum request. Implementation of the procedure results in a decision which approves the request for asylum and recognizes the right to asylum, or grants subsidiary protection, or in rejection of the request. Rejection means that it was established that the asylum request is unfounded (that the person is not eligible for asylum), or that the statutory grounds for the denial of rights are present. There is also the possibility of rejection without investigating compliance with the conditions, among others, in situations when an asylum is granted in another country, or when a person has the nationality of a third country.

Asylum, as a right of residence and protection, may be granted in the form of **refugee protection (sanctuary), subsidiary protection and temporary protection**, and the Law regulates the rights and obligations for each of them (Articles 36-50). Temporary protection is an exceptional measure that is applied when, due to massive influx of foreign nationals, it is not possible to conduct individual asylum procedure. These are the circumstances of generalized violence, foreign aggression, internal conflicts, mass violation of human rights. Persons granted temporary protection are entitled to healthcare, free primary and secondary education and housing in accordance with a special regulation, legal aid under the conditions provided for asylum seekers.

The rights of asylum seekers during the proceedings, include the right to housing in the Asylum Centre, where they are also provided with food, clothing, financial assistance. Primary and secondary education is also free, and they are entitled to social assistance.

Sanctuary is a form of protection which provides refugees the same rights as those citizens of Serbia are entitled to, in terms of free access to courts, legal aid, protection of intellectual property, while their rights to work, permanent residence and property are equal to the rights of permanently residing aliens. Persons granted refugee or subsidiary protection are entitled to accommodation of up to one year from the moment their status is recognized, which includes housing or funds for rent. Finally, it is stipulated that the Republic will provide the conditions for the integration of refugees into social, cultural and economic life, i.e. their integration.

### *Law on Foreigners*

**The Law on Foreigners** <sup>28</sup> regulates the right of foreigners to enter, move and stay in the Republic of Serbia, and operation of the organs of state administration. Article 10 as illegal entry defines entering the country outside of a place or time designated for border crossing; entry by avoiding border controls; entry by using someone else's, invalid or false documents; giving false information to the police, as well as an entry for the duration of the protective measure of removal from the territory of the country, security measures of expulsion from the country or the measure of cancellation of stay.

In the context of correlation between the phenomenon of irregular migration and human trafficking, it is important to note that the Law on Foreigners provides that a person who does not have citizenship of the Republic of Serbia, and is a victim of human trafficking, will be granted temporary residence in the country, if it is in the interest of criminal proceedings (Article 28). Depending on the need for participation in a criminal proceeding, a temporary stay in the country is granted, and normally lasts up to one year (Article 29). When it comes to minors, the Law stipulates placement in a Shelter along with a parent, or a legal guardian, unless the competent authority estimates that another type of accommodation would be more favourable. Also, until an adequate reception is secured, a minor must not be returned to their country of origin or to a third country (Article 52). In light of the research topic - vulnerable groups within the migrant population - it should be noted that

<sup>28</sup> The Law on Foreigners, "Official Gazette of RS", No. 97/2008.

the Law, as a person with special needs, recognizes those who have undergone torture, rape or other serious forms of psychological, physical or sexual abuse, as well as minors, persons deprived of legal capacity, children separated from their parents or guardians, persons with disabilities, pregnant women, single parents with minor children.

They are to be provided with a special treatment, i.e. it is a duty of the competent authority to act in accordance with the regulations governing the status of persons with special needs and international treaties (Article 58).

### *Law on Migration Management*

**Law on Migration Management** <sup>29</sup> defines basic notions of external and internal migration as a voluntary or involuntary exit from the country of origin or residence, for temporary stay or permanent residence in Serbia, voluntary or involuntary exit from Serbia for temporary stay or permanent residence in another country (outward migration), or change of residence, or a place of residence, within Serbia if the change occurred by force (in the case of internal migration). Similar to the Law on Asylum, this act also defines basic principles of migration, such as the principle of the protection of rights, with respect to their needs and interests (Article 7), respect of ratified international treaties and rules of international law in the field of migration (Article 8) and the principle of respect for family unity (Article 3). Body in charge of migration management work is *Commissariat for Refugees and Migration*, which suggests the goals and priorities of migration policy. At the operational level, this body proposes measures relating to legal and illegal migration; determines and takes measures for the integration of asylum seekers who have been granted the right to asylum (particularly important in the context of integration), proposes support programmes for a voluntary return of foreigners who are illegally staying on the territory of Serbia to their countries of origin, etc. (Article 10). In light of the topic of the project, within which this research is conducted - the response to migration and particularly vulnerable groups within the migrant population at the level of local communities - it is important to note that the Law prescribes the establishment of the Council for Migration (Article 12). This body, which should be founded by the local government with jurisdiction over it, would be a link between the Commissariat and the local level, i.e. would perform monitoring at the level of local community, report to the Commissariat on migration in the territory of a particular municipality, and propose concrete measures for better migration management. The Council would consist of representatives of executive government (president of a municipality or municipal councillor), social welfare centre, police administration, employment agency, trustee and representative of the municipal, or city, government. In order to further enhance the local response, it is

<sup>29</sup> Law on Migration Management, "Official Gazette of RS", No. 107/2012.

planned that state budget should fund programmes determined by the local government, and which are related to the achievement of strategic objectives in the field of migration management at the national level (Article 17).

In accordance with the Law on Asylum, Law on Migration Management confirms the right to obtain housing for temporary accommodation, if the person was granted the right to asylum or subsidiary protection, for the period of up to one year. It should also be noted that age, disability and sickness are recognised as a separate set of psychophysical conditions and persons in those conditions, as well as minors without parental care, are to be provided with adequate special accommodation at one of the providers of accommodation services, or with another family (Article 15). Furthermore, the obligation of our state is to provide the conditions for integration of refugees into social life within their means, i.e. the Government is responsible for the adoption of specific measures of integration, at the proposal of the Commissariat (Article 16).

The system of collecting and processing data on migration should be integrated and coordinated at the national level, in such a manner to include details of all relevant administrative bodies, and to be designed and proposed by the Commissariat (Article 18).

### *Criminal Code*

Bearing in mind the exposure to risk of human trafficking among the population of (irregular) migrants, we should mention certain provisions of national legislation which criminalized human trafficking since 2003. Development of criminal legislation in accordance with international regulations has resulted in tightening of penalty policy, separation of punishment for trafficking, illegal border crossing and smuggling, as well as introduction of new forms of trafficking offences <sup>30</sup>. Existing **Criminal Code** <sup>31</sup> defines the act of committing the crime of human trafficking as recruitment, transportation, transfer, harbouring, selling, purchasing, hiding or holding another person, for the purpose of labour exploitation, forced labour, coercion to commit crimes, prostitution or other forms of sexual exploitation, begging, pornography, slavery or slavery-like relations, removal of organs or tissues, or use in armed conflicts (Article 388). Penalty

<sup>30</sup> Protection of victims and prevention of human trafficking in Serbia, Galonja, A, Jovanović, S., pages 14–17.

<sup>31</sup> Criminal Code, "Official Gazette of RS", No. 85/2005, 88/2005 - amended, 107/2005 - amended, 72/2009, 111/2009, 121/2012 and 104/2013.

provided by this law is three to twelve years in prison, and if the offence is committed against a minor, minimum sentence is five years in prison. The same Article prescribes a prison sentence of six months to five years if the offender knew, or ought to have known, that a person was a victim of human trafficking, and abused her position or enabled another person to abuse her position for the purpose of exploitation. Also, the very act of person's consent to exploitation, slavery or slavery-like relation, does not affect the existence of the crime. In addition to trafficking, Criminal Code criminalizes illegal border crossing and human smuggling in Article 350. In addition to prison sentence for those who cross, or attempt to cross, Serbian border armed, or by use of armed violence, there is an anticipated sentence of six months to five years for a person who helped someone to illegally cross the border, illegally reside in, or transit through, Serbia, with intent to obtain benefits for himself or a third party. If the offence is committed by a group, or in a manner which endangers the life or health of a person whose illegal border crossing, stay or transit is enabled, or if a large number of persons was smuggled, the sentence is one to ten years in prison.

### *Law on Health Care*

One of the basic principles of the **Law on Health Care** <sup>32</sup>, which is especially important for migrants and particularly vulnerable groups within the migrant population, is the *principle of fairness*, i.e. the principle which prohibits discrimination, in providing health care based on race, sex, age, national origin, social background, religion, political or other views, property status, culture, language, type of illness, mental or physical disability (Article 20). Also, as one of the general interests in health care, providing emergency medical assistance to persons of unknown residence, and other persons who are not entitled to other ways of receiving emergency medical care, is in accordance with the law (Article 18).

In a separate part concerning the health care of foreigners (Part XIII), the Law states that asylum seekers - persons who achieved the right to refugee or subsidiary protection in Serbia, foreign citizens, persons without citizenship, those permanently residing, temporarily staying or passing through Serbia's territory, are entitled to health care for which the funds are provided from the budget (Article 238), and that this protection extends to the manner under which protection is afforded to citizens of Serbia (Article 239). Furthermore, the Article 241 is of great importance, stipulating that among foreign citizens whose

<sup>32</sup> Law on Health Care, "Official Gazette of RS", No. 107/2005, 72/2009 – state law, 88/2010, 99/2010, 57/2011, 119/2012 and 45/2013 – state law

treatment costs are covered by the Republic of Serbia, are also included foreigners who have been granted asylum, if financially unsecured, as well as foreign nationals victims of human trafficking. The Law provides fines for health care facilities which fail to provide medical assistance or emergency medical assistance to a foreigner (Article 256).

In light of the activities of citizens' associations that work on direct assistance to migrants, it is important to note that the Law states that the measures of social healthcare also include cooperation of medical institutions with humanitarian and professional associations (Article 13).

### *Law on the Foundations of the Education System*

Certain provisions of the **Law on the Foundations of the Education System** <sup>33</sup> are important for ensuring unimpeded access to education of migrants, potential asylum seekers and particularly vulnerable groups within the population of migrants. One of the general principles is equal right and access to education without discrimination on any basis (social, cultural, religious or ethnic background, place of residence, etc.) (Article 3).

Article 6 provides that every person has the right to education, including foreign nationals and stateless persons who have the right to education under the same conditions and in the manner prescribed for the citizens of the Republic of Serbia. Upbringing and education of children in the year before starting school, primary education and education of students and adults, as well as secondary school for regular and part-time students, are free in institutions founded by the Republic of Serbia, autonomous province or local self-government (Article 91). Enrolment of foreign citizens and stateless persons is particularly regulated by Article 100 - school enrolment and the right to education are being carried out under the same conditions and in the manner prescribed by Law for the citizens of Serbia. This also means that if any of these persons does not know our language or relevant programme content, the school will organise language lessons, preparatory and supplementary classes.

### *Law on Social Welfare*

The social welfare system recognises foreign nationals and stateless persons as beneficiaries, under the Article 6 of the **Law on Social Welfare** <sup>34</sup>. More

<sup>33</sup> Law on the Foundations of the Education System, "Official Gazette of RS", No. 72/2009, 52/2011 and 55/2013.

<sup>34</sup> Law on Social Welfare, "Official Gazette of RS", No.24/2011.

specifically, Article 41 as beneficiaries recognizes foreign minors, i.e. stateless persons if they are unaccompanied by adults, as well as adult foreign citizens and stateless persons who are in need of social welfare. The same article, for the first time in our welfare system, protects identified victims of trafficking (whether minors or adults), which is especially important in view of exposure to risks of human trafficking among the population of irregular migrants. In addition to these provisions, which are relevant to the topic of the project and research, it is important to note that the entire system of social protection has been undergoing a reform over the past decade, based on the principles of individual approach and response to the needs of beneficiaries in their immediate environment, which is also of importance for regulating status and protection of the migrant population. Thus, social welfare institutions must take the principle of timeliness, i.e. timely identification of the needs and prevention of conditions that endanger security and integrity (linkages and coherence), accessibility and individualised approach (Articles 29, 30, 33). Beneficiaries of the social welfare system, including foreign nationals, are guaranteed a number of rights - the right to information relevant to determination of their social needs, as well as of how these needs can be met; the right to participate in the assessment of their condition and in decisions relating to the selection and acceptance of services; the right to confidentiality and privacy when providing services, and the right to complaint (Articles 34-39).

The Law on Social Welfare is additionally important because it provides funding of accommodation services for victims of human trafficking from the national budget (Article 206), while funding of the services and intervention programmes for asylum seekers and persons granted the right to asylum is subject to the provisions of above-mentioned Law on Asylum.

### ***Strategic framework and bylaws***

*Displayed legal norms are further operationalized through strategic documents and subordinate legislation. The following section will provide a presentation of those documents, which further specify the system of migratory management, system of reception and conditions of accommodation for asylum seekers at the national level. Also, bearing in mind the link between migratory movements and human trafficking, as well as the exposure of some parts of migrant population to the risks of trafficking, strategic framework of response to human trafficking in Serbia is also mentioned.*

**Migration Management Strategy** <sup>35</sup> refers to external and internal migrations, and seeks to establish and strengthen coordination among institutions in the migration management system, both those that operate at the level of policy-making, and those responsible for the operational level of implementation. Defining the overall objective as comprehensive migration management in a manner that will facilitate the achievement of sectoral objectives and priorities of the state in the field of migration, the strategy further develops three distinct strategic objectives:

- 1. establishment and implementation of mechanisms for comprehensive and consistent monitoring of migration flows;
- 2. enhancement of strategic, legal and institutional framework for a unique migration management;
- 3. protection of migrants' rights, creation of conditions for integration and social inclusion, while raising awareness on importance of migration. Given special focus of the project on the response of local communities to the phenomenon of migration, we should also mention specific goals and some of the measures envisaged within this strategic goal. Those are:
  - 3. a) informing the public on the problems of migrants (measures: inclusion of civil sector in the management of migration; informing the public on regular basis on the topics of importance to migration, organizing exchange of experiences of interested parties; involving scientific public in the issue of migrants);
  - 3. b) sensitization of the public administration and local government competent for the realization of the rights of migrants (measures: providing humane treatment and clear procedures for dealing with irregular migrants and improving the capacities for their reception; providing conditions for social rehabilitation and reintegration of victims of human trafficking; monitoring implementation of the Law on Asylum and eliminating any deficiencies to ensure the realization of rights of asylum seekers, particularly the right to integration, creating conditions for the integration of foreigners into society; providing effective protection of the rights and interests of citizens of Serbia at all stages of the migration cycle, as well as those of foreign migrants residing in Serbia).

In addition to defining the elements of migration management policy - visa policy, integrated border management, regulated stay of foreigners, integration



of migrants into society, employment policy, the Strategy also establishes an institutional framework for its implementation. Thus, a **Coordination Body** is formed for monitoring and management of migrations, composed of Ministers who are, within their special jurisdictions, responsible for certain aspects of migratory movements. Professional, operational, administrative and technical tasks for the Coordination Body will be performed by Commissariat for Refugees. As the managing authority, the Coordination Body directs the work of Ministries and special organizations, and submits a work report to the Government every 90 days. On the other hand, relevant Ministries should, within three months of the adoption of the Strategy, draft action plans on the basis of which a joint two-year action plan will be made. Commissariat for Refugees is in charge of drafting the plan.

**Strategy for Combating Illegal Migration in the Republic of Serbia for the period 2009-2014** <sup>36</sup>. EU enlargement and accession process of Serbia has brought the need for additional regulation and introduction of standards of combating illegal migration from, and through, the territory of Serbia. The first two priorities of the Strategy for Combating Illegal Migration that were singled out are meeting the criteria for visa liberalisation and accelerating the process of stabilization and association process. This document determines state policy for an establishment of an efficient system of combating illegal migration, defines frameworks for the development of implementation plans, defines the roles and responsibilities of different institutions through five general objectives:

1. Developing the capacity and competence of entities that create and develop the Strategy;
2. Developing cooperation with partners and other stakeholders of the Strategy;
3. Developing a methodology for Combating Illegal Migration (proactive and reactive measures);
4. Developing a system of measures for different categories of illegal migrants, which includes specific goals of developing a system of measures towards: political migrants -asylum seekers; minor illegal migrants; women illegal migrants; families of illegal migrants; illegal migrants - victims of human trafficking; potential illegal migrants; illegal migrants - perpetrators of crimes and misdemeanors; illegal migrants - citizens of Serbia.

<sup>36</sup> Strategy for Combating Illegal Migrations in the Republic of Serbia for the period of 2009–2014 "Official Gazette of RS", No. 25/09

5. Establishment of a national concept for combating illegal migration in the area of intensified causes and different types and forms of expression.

As for the manner of implementation, a *Council for Combating Illegal Migration* is to be formed, as an interdepartmental, joint body consisting of experts from various sectors. The Council should coordinate, assist and supervise the implementation of the Strategy, report to the Government and suggest measures for revision.

For improving migration management system and responding to the needs of migrant population, it is important to mention the **Strategy for the Development of Official Statistics in the Republic of Serbia in the period from 2009 to 2012** <sup>37</sup> which defined obligations of the National Bureau of Statistics in the field of migration monitoring. Bureau should conduct regular annual survey of internal migration, as well as establish a regular annual survey of external migration, starting from 2012, based on the results of the 2011 census and the database obtained from the Ministry of the Interior (within statistical area 4 - Migration and asylums).

The first strategic document in the field of combating human trafficking in Serbia was adopted in 2006. It was a **Strategy to combat human trafficking in the Republic of Serbia** <sup>38</sup> with an **Action Plan (2009-2011)** <sup>39</sup>. Building upon the past institutional achievements (establishment of the National Mechanism, Council, Coordinator for Combating Trafficking in Human Beings and the National Team, creation of the Office for Coordination of protection of victims of trafficking and opening of a Shelter), the Strategy further operationalizes the response to trafficking and protection of victims. Strategic objectives are grouped into five areas: 1) *institutional framework* that includes promotion of the National mechanism, training of actors who come into contact with, or are providing services to, victims, improvement of the legal framework and the statistical analysis of data; 2) *prevention*, which includes efforts to increase awareness about the problem of trafficking and reduce the risk factors (including improved social and economic conditions of potential victims); 3) *assistance, protection and reintegration of victims*, which includes improvement of the identification of victims, prevention of secondary victimization, long-term protection and reintegration which, among other things, means continuing education and professional development; 4) *international cooperation* - implementing instruments for the mutual recognition of evidence

<sup>37</sup>Strategy for the Development of Official Statistics in the Republic of Serbia in the period from 2009 to 2012 "Official Gazette of RS", No. 7/2009.

<sup>38</sup> Strategy to combat human trafficking in the Republic of Serbia "Official Gazette of RS", No. 111/2006.

<sup>39</sup> National Action Plan for combating trafficking in the Republic of Serbia in the period from 2009. to 2011, "Official Gazette of RS", No. 35/2009.

and investigation along with interstate cooperation of prosecutors, police and the judiciary; speeding up the extradition of offenders and seizing the proceeds of trafficking; 5) *monitoring the implementation of mechanisms to combat human trafficking and evaluation of results.*

In 2012, a new **Strategy for the Fight Against Trafficking in Human Beings and accompanying Action Plan** (2013-2018) were drafted <sup>40</sup>, the documents which provide an answer to some of the changes in trends and challenges identified in the earlier response to trafficking, such as lack of formalised partnerships and coordination, poor data collection systems, lack of a stable budget, uneven training of professionals, lack of programmes for groups at risk, lack of an effective system for identification and support to victims. Strategic objectives in the proposed draft are similarly defined, with the introduction of a new goal relating to the protection of children: 1) systemically strengthened *partnerships* at the local, national and international level; 2) improved *prevention* and reduced influence of the causes of human trafficking; 3) improved proactive system of *detection, efficient processing and legal protection of victims* of trafficking; 4) promoted system of *identification, protection, assistance and support to victims*; 5) *Children* are protected from trafficking and its consequences through participatory programmes that are in their best interest.

In addition to the strategic level, a number of regulations govern different spheres of reception and living conditions of migrants and asylum seekers, including vulnerable groups within them.

Accommodation and provision of living conditions for asylum seekers are elaborate in the **Rulebook on Housing Conditions and the Provision of Basic Living Conditions in the Asylum Centre** <sup>41</sup>. Article 2 stipulates that the accommodation is conditioned by the necessary recording and referral by the Ministry of the Interior. Taking into account the increase in the number of asylum seekers and potential asylum seekers, and insufficient capacity of existing asylum centres, it is important to note that the centres are not obliged to accommodate new persons if the existing accommodation capacities are full. Also, persons in need of care by another person, regular diagnosis or medical treatment of any facility that can not be provided at the Centre, can not be placed at the Centre (Article 6).

<sup>40</sup> Draft of the Strategy for the Fight Against Trafficking in Human Beings and accompanying Action Plan (2013-2018), available at the website of MUP, [http://www.mup.gov.rs/cms\\_lat/sadrzaj.nsf/nacrt-strategije-prevencije-suzbijanja-trgovine-ljudima](http://www.mup.gov.rs/cms_lat/sadrzaj.nsf/nacrt-strategije-prevencije-suzbijanja-trgovine-ljudima)

<sup>41</sup> Rulebook on Housing Conditions and the Provision of Basic Living Conditions in the Asylum Centre, "Official Gazette of RS", No. 31/2008.

Social assistance which asylum seekers receive in Serbia is determined by the **Rulebook on social assistance to asylum seekers and persons granted asylum** [42](#). The assistance is realized in the form of monthly cash assistance and all persons seeking or having been granted asylum have the right to it, if they have not previously been accommodated in the Asylum Centre, and if the person or the family members do not have an income, or have an income below the threshold (Article 3). The Rulebook determined the threshold for eligibility to monthly cash assistance for individuals and families (for the April 2008 the threshold for an individual was 4825 RSD), i.e. the threshold is adjusted to costs of living on a monthly basis (Article 4). Competent social welfare centre (the centre in a municipality where the person resides) decides on the request for monthly assistance, and the person needs to enclose an identification card and evidence that may affect the exercise of the right when submitting a request (Article 8).

**Rulebook on Medical Examinations of Asylum Seekers upon Arrival at the Asylum Centre** [43](#) regulates the manner of carrying out examinations for people who are awaiting decision on the request for asylum. Examinations are conducted in a health centre or, if necessary, other healthcare institutions by medical doctors, and they include medical history, objective examination and other diagnostic examinations (laboratory blood test, x-ray of the lungs and other required inspections if a person is coming from tropical countries). The doctor is obliged to inform asylum seekers about the possibilities of protection and treatment of infectious diseases in Serbia, on the importance and implementation of the programme of compulsory vaccination and to offer counselling and testing for HIV/AIDS and syphilis (Article 5). Employees of the Asylum Centre are responsible for monitoring the health status and reporting any changes to the healthcare centre established for the territory to which the Centre belongs (Article 7). Health institution should issue a certificate of examination and health status of the asylum seeker on an established form upon the person's admission to the Centre (Article 8).

Asylum Centre in Banja Koviljača was established by the **Decision** of 2008 [44](#) as a part of the Commissariat for Refugees. The Centre is managed by a civil officer in charge of the Commissariat, while funding for the Centre's work is provided in the budget.

[42](#) Rulebook on social assistance to asylum seekers and persons granted asylum, "Official Gazette of RS", 44/2008

[43](#) Rulebook on Medical Examinations of Asylum Seekers upon Arrival at the Asylum Centre "Official Gazette of RS" No. 93/2008

[44](#) Decision on establishing Asylum Centre "Official Gazette of RS", No. 112/2008.

Three years later, the Asylum Centre in Bogovađa was established, by the **Decision on establishing Asylum Centre 45**, as the second place in the country which should provide shelter and basic living conditions to asylum seekers, until the final decision on their asylum request is made.

Bearing in mind the close connection between the phenomenon of irregular migration and human trafficking, it is important to mention the way in which the residence of foreign nationals who are victims of human trafficking is regulated. **Instruction on the conditions of approval for temporary residence to foreign citizens who are the victims of human trafficking 46** of 2004 allows the foreign nationals for whom the Asylum Protection Centre estimates should be given protection, to be approved temporary residence permit on humanitarian reasons by the competent authority of the Ministry of the Interior. Duration of the stay is three months, i.e. six months if they cooperate with authorities in detection of crimes and the perpetrators, and up to a year if they actively participate in a proceeding as a witness or an injured party, as well as when it is required for reasons of personal safety. Even if the victim of trafficking entered or resides in the country illegally, it is an obligation of the competent authority, prior to the initiation of the established procedure, to determine the circumstances that reduce the criminal or misdemeanor liability (elements of force, threat or coercion, or of necessity or self-defence), which is a step towards the further decriminalization of victims of trafficking. During a temporary residence in Serbia, the victim should receive protection and assistance in recovery and in decision to return to the country of origin (or previous residence).

<sup>45</sup> Decision on establishing Asylum Centre, "Official Gazette of RS", No. 34/2011

<sup>46</sup> Instruction brought by the Minister of the Interior on 5.07.2004.

# POSITION OF MIGRANTS IN SERBIA

## Understanding the phenomenon of migration

*The aim of this chapter is to analyse the ways in which professionals - bearers of the system of assistance to migrants and asylum seekers - understand the phenomenon of migration - the causes of migration and the ways in which the migrants organize travelling, as well as the risks associated with migrant status, considering that their level of awareness is often a crucial factor that affects the quality of their response to the needs of the migrant population.*

### *Countries of origin*

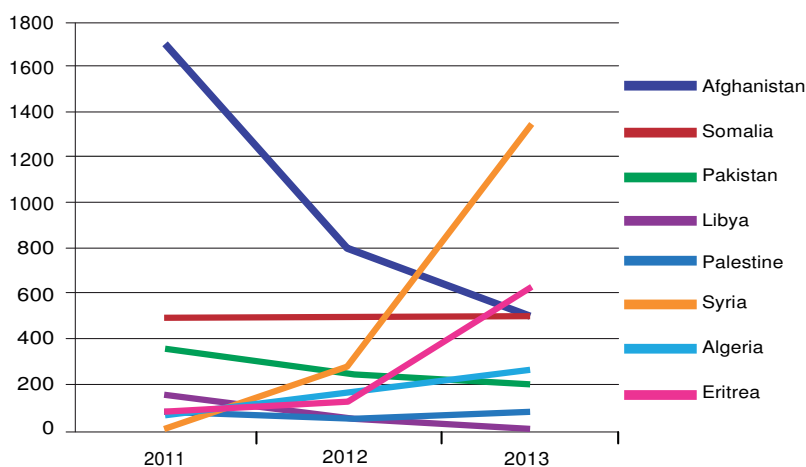
Focus-group interviewees - members of different systems in towns involved in the project (Sremska Mitrovica, Šid, Subotica, Lajkovac, Loznica) - who come into contact, or have the jurisdiction to work, with migrant population, have identified parts of Asia, Middle East and Africa as absolutely **dominant regions of origin of migrants**. There have also been notable trends and changes in the countries of origin - increase in the number of migrants from Pakistan, Afghanistan and Middle East due to war, and a reduction in the number of persons coming from Africa - Libya, Nigeria, Ivory Coast. These were mostly observations of members of the police and County Jail in Subotica, who have the most intensive contact with the population of irregular migrants - potential asylum seekers.

Indeed, the official data for the last three years show a drastic increase in the number of people who expressed intention to seek asylum in Serbia, originally from Syria, where a civil war lasts since 2011. The situation in Syria further deteriorated in 2013, and led to one of the largest exoduses in recent history (the number of registered Syrian refugees exceeded 2.3 million at the end of 2013, and continued to grow during 2014, 47). Growth in the number of persons coming to

• 47 UNHCR. Syria Regional Refugee Response <http://data.unhcr.org/syrianrefugees/regional.php>

Serbia from Eritrea, where systematic violation of human rights has been happening for years now, including torture, arbitrary detention and forced labour, is somewhat more moderate <sup>48</sup>. The number of asylum seekers originating from Afghanistan declined during the same period. The most frequent countries of origin in 2011 <sup>49</sup> were Afghanistan (1693), Somalia (492), Pakistan (348), Libya (139), Palestine (94); in 2012 <sup>50</sup> Afghanistan (804), Somalia (505), Syria (287), Pakistan (247), Algeria (169); and in 2013 <sup>51</sup> Syria (1338), Eritrea (624), Somalia (507), Afghanistan (492), Algeria (249).

**Chart 1: Trends– the number of persons who expressed intention to seek asylum in Serbia by citizenship <sup>52</sup>**



As Serbia is part of the route of intercontinental migration from Africa and Asia to Europe, the national structure of migrants seeking asylum here reflects the origins of refugee population in the world - the Afghans, Syrians and Somalis in 2013 accounted for more than half of the total number of refugees of concern to UNHCR. <sup>53</sup>

- <sup>48</sup> World Report 2013, Human Rights Watch, <http://www.hrw.org/world-report/2013/country-chapters/eritrea?page=1>
- <sup>49</sup> Migration profile of RS for 2012, page 44. at: [http://www.kirs.gov.rs/docs/migracije/Migracioni\\_profil\\_Republike\\_Srbije\\_za\\_2012.pdf](http://www.kirs.gov.rs/docs/migracije/Migracioni_profil_Republike_Srbije_za_2012.pdf)
- <sup>50</sup> Migration profile of RS for 2012, page 41. at: [http://www.kirs.gov.rs/docs/migracije/Migracioni\\_profil\\_Republike\\_Srbije\\_za\\_2012.pdf](http://www.kirs.gov.rs/docs/migracije/Migracioni_profil_Republike_Srbije_za_2012.pdf)
- <sup>51</sup> According to: <http://www.unhcr.rs/media/asylum-seekers-2013-SRP.pdf>
- <sup>52</sup> Taken from: Migration profile of RS for 2012 and <http://www.unhcr.rs/media/asylum-seekers-2013-SRP.pdf>
- <sup>53</sup> UNHCR Global Trends 2013, page 15. <http://www.unhcr.org/5399a14f9.html>

## Causes of migrations

Interviewees from five towns unanimously recognized war conflicts as the **main cause of migration**. Economic factors are the next important cause of irregular migration - inability to sustain a livelihood, or a complete lack of economic prospects. To a lesser extent, migration and search for a refuge in another country are associated with persecutions on racial, religious or ethnic grounds or due to belonging to a particular social group. Family reunification - joining members of the immediate and extended family and friends who are already in the European Union, and whose asylum status has been resolved, often determines the destination, regardless of the cause of their journey. Countries of Northern Europe are the most common destination, due to testimonies of persons already living there, as they provide good conditions for the reception and integration of migrants.

*Those who pass through our country are migrating primarily due to two reasons, war and economy. Nearly two and a half thousand of them have gone through Banja and... The main reason was economic factor, and for some of them it was an equal combination of war and economy.*

Asylum Centre Banja Koviljača

*Political reasons - wars are being fought there, and he was probably a part of the previous regime, took sides, was a soldier, so now they are running away... Back at the end of the nineties a lot of them came from Africa - Libyans, Ivory Coast, Nigeria... That's when they were migrating. Now they come in much smaller groups, significantly smaller. The most dominant now are those from Pakistan, Afghanistan...*

County Jail Subotica

Causes of migration mentioned by migrants themselves:

*I did not know where I was, nor could my family find me. They beat me and injected something in my vein. I believe that is the reason I have a prostate tumour.*

H, migrant from Syria

*Our jobs are gone, the shops are closed, everything is deserted, there's nothing to do, everything stopped, there's nothing to buy.*

M, migrant from Syria



*Dad proposed to sell the land, give me a share of the money and help me save myself and get a better life. We lived in constant fear that my activities will be interpreted as extremely progressive, in a country where rapes occurred on the street without anyone answering for it. Then we secretly started to plan my departure. Dad helped me buy a fake passport and go to Iran.*

O, migrant from Somalia

*I went to school, back then it wasn't much of a difference whether someone is Iranian or Afghan. However, when I wanted to start practising football, they asked me for a document. I had nothing. Not a single document to prove who I am.*

S, migrant originating from Afghanistan

Although it is not always easy to spot differences between the reasons for migration, a proper understanding of professionals from towns involved in the project that these are enforced migrations - leaving the country of origin because of the endangerment of fundamental rights, including the rights to life and freedom of movement - is extremely important because it determines the quality of their response to the needs of irregular migrants who come to Serbia and interact with them. The fact that the aforementioned official data from 2013 show that more than 50 percent of people who expressed intention to seek asylum in Serbia came from Syria, Eritrea, Somalia and Afghanistan confirmed their perception that these are the persons who are primarily seeking refuge from armed conflicts, discrimination and deprivation. This is confirmed by data from Atina's research with children on the move <sup>54</sup>, as well as the research of the Asylum Protection Centre APC/CZA, conducted with asylum-seekers located in the centres in Banja Koviljača and Bogovađa <sup>55</sup>. On that occasion, more than 63 percent of them cited armed conflicts as a reason for leaving their country, 25 percent left due to economic reasons, while the combined reasons were present in 12 percent of cases.

Furthermore, interviewees - professionals who work directly with migrants or deal with areas relevant for the adequate protection of migrant population (primarily police officers, employees of the health sector, officials of the Asylum Centre in Banja Koviljača, social welfare centres) - have recognized that

• <sup>54</sup> Children on the move – Status and programmes of support and protection of children on the move in the Republic of Serbia, Galonja, A., Morača, T., Avramović, M., Diegoli T., Atina, Belgrade, 2013.

• <sup>55</sup> Asylum seekers in Serbia and Serbian asylum seekers in Europe, Asylum Protection Centre APC/CZA, Belgrade, 2013, page 10.

migrants come from different social milieus, and they had experience with students, highly educated, computer literate and wealthy individuals.

### *Travel organisation*

When it comes to knowledge of **travel organisation**, focus-group interviewees have a general idea that the journey of irregular migrants is usually being planned and organized, that it includes a network of smugglers whom irregular migrants are paying for these services and that they use different modes of transportation (plane, boat, land transport, going by foot). It is important to note that their observations do not always come from professional contact, but from everyday life and frequent meetings of groups of migrants in public places (parks, trains); this is particularly evident in the case of professionals from the bordering places - Subotica and Šid.

Police officers have more specific information on whether the migrants who embark on a journey with no money spend certain periods of time in transit countries to earn money for the rest of the journey. This is primarily Greece as they are more likely to find a job as unregistered workers during the summer season, and have good access to information technology, but also Turkey and Iraq. Furthermore, it is a thoroughly organised trip, with a network of people who are in charge - paid for certain stages of the road, transport and reception in certain countries. By their insights, travel time directly depends on the possession of funds, i.e. the amount of money that can be allocated for the travel organisation. As most cases involve an illegal border crossing, this includes the use of false documents, hiding and throwing proper documents in order to conceal the identity. Expression of intent to seek asylum, according to some interviewees, has the primary purpose of obtaining identity cards so they can be able to receive money from abroad and continue their journey. Also, even if it is a group of minors, there is usually someone who is of age and fluent in English, who serves as the group leader and travel organiser.

*We must be aware that the travel organisation is mainly planned, so it is known who provides logistics, who provides transit, who provides the whole travel, who accepts persons in Croatia, who accepts them in Serbia. Of course, there is also a good communication among them, through internet cafes in every town, that is how they communicate. They convey experiences of others to the person that is travelling - here is good, there is not... Organisation is important, the money that is used in the organisation means a lot - if there is money, they will travel quickly, that's a fact.*

*Without someone's help they would not be able to get very far... Some of them started the journey with no money, and somehow manage to get by along the way, each new station they reach is like a resting place to pay for the following illegal transport across the border...*

Asylum Centre Banja Koviljača

### ***Risks to which migrants are exposed***

Keeping in mind that the specific focus of the project within which the research took place are particularly vulnerable groups in the migrant population, it is important to note that focus-group interviews highlighted the following groups and **risks** irregular migrants face, according to the findings of professionals:

- risk of human trafficking to which children are particularly exposed, along with minors, travelling without their parents and/or guardians, and women
- risk of neglect of children (even though the parents are present) due to difficult travelling conditions
- different types of abuse, exploitation, violence, abuse during the journey which is facilitated by the legal invisibility - a lack of identity documents and the inability to exercise the rights, not knowing the language and culture of the countries they are passing through
- abuse by various criminal groups, risks of being robbed and/or deceived by the smugglers and travel brokers (e.g. that they will leave them in front of the border crossing rather than take them across the border)
- health risks which are further complicated by major climatic changes and unsafe travel conditions
- conflicts within the migrant population due to ethnic tensions or misunderstandings and quarrels during travel

There is an agreement that women and children are more susceptible to all the risks, and that different forms of human trafficking (sexual exploitation, forced labour, coercion to commit offences) represent the most common risk.

This is also recognised in the international system of protection - UNHCR's starting point is that forced migrants, escaping war conflicts and persecution, are especially vulnerable to exploitation <sup>56</sup>. Due to an increase in restrictions of immigration and asylum policies, and illegal entry often being the only way to reach a safe territory, migrants travel with the help of smuggling networks, and are not aware of their connection with human trafficking. Thereby they become potential victims of exploitation, force and coercion that may occur in the later stages of travel. Migrants themselves testify about their powerlessness:

*Smugglers were rough with us, shoved me in a car that was already crammed with people. The border police also harassed us - they shouted, beat us, me less than others, as I was sick most of the time, so I crouched. They beat the others more.*

H, irregular migrant, Palestinian from Syria, on the experience in Greece

*We walked for 7 hours and came to this abandoned house where I was told to wait until I decide what to do next.*

H, irregular migrant, Palestinian from Syria

*High mountains, a lot of walking, no rest. You have to go in a group, you must not fall behind, they are forcing you to either walk that way or to be left behind.*

S, minor asylum seeker originating from Afghanistan

*All the smugglers are also human traffickers. I heard, you pay a smuggler and later he exploits and abuses you.*

M, asylum seeker from Syria

*If someone does not have any money, he makes an arrangement with the smuggler, they choose one Somali woman who becomes the smuggler's property, in order for that man to continue his journey from Turkey, Greece or Macedonia.*

H, irregular migrant, Palestinian from Syria

*When Somali women travel alone, someone from Somalia becomes a 'brother' to them, and*

• <sup>56</sup> UNHCR, *Combating Human Trafficking: Overview of UNHCR Anti-Trafficking Activities in Europe*, 2005.

accompanies them.

*A smuggler picks someone in the group and says "this is your sister, you have to take care of her and make sure nothing happens to her."*

*It is not paid for, it is the protection of your own people. Women can not carry their own bags, someone is always there to help, and they give him some money for that.*

*Women are weaker, constantly at risk of being raped, abused and killed.*

*During the journey, when we go to the bathroom, a guy from Somalia always goes with us. When someone from another country helps us, there is always someone from Somalia behind. When we sleep, we're always between two men from Somalia.*

O, migrant from Somalia

*Some women can not choose when they become pregnant, as soon as they give birth, a new pregnancy. Pregnant women and mothers with children have the hardest time. Mothers sometimes pray and beg smugglers to take them. And they won't do it because it is difficult for children. Mothers sometimes miss good connections because the people in the group won't go with a mother and child. It does not depend on the smuggler as much as it does on the people from the group, they are the ones the woman asks. Some smugglers won't take pregnant women, it's risky, they can not move fast, someone always has to help them. They usually give more money.*

O, migrant from Somalia

Although the focus-group interviewees indicated real obstacles and risks migrants face during the journey, most of them are still not sufficiently aware of the specific situations in transit countries through which migrants pass, such as Turkey, Greece, Macedonia, Albania. Hence the missing identification of additional risks such as bullying, even taking money by the police, as well as by the Mafia, which is a part of the smuggling ring, inability to apply for asylum or factual disabling to file an application due to demanding administrative procedures, and therefore the lack of protection by the state through which they migrate <sup>57</sup>; migrants who are in Serbia also testify to physical attacks by right-wing groups in transit countries, <sup>58</sup>:

*Greece was the most dangerous, because of the colour of my skin. There are a lot of racists there.*

• <sup>57</sup> Asylum seekers in Serbia and Serbian asylum seekers in Europe, Asylum Protection Centre APC/CZA, Belgrade, 2013, page 15.

• <sup>58</sup> Obrenovac for asylum seekers, Vreme, February 27, 2014 available at: <http://www.vreme.rs/cms/view.php?id=1177597&print=yes>

S, migrant from Somalia

*The robbers took 1800 Euro which I had with me. They took everything from me, I had nothing after that. I heard them talking among themselves: "I sold this one for you."*

S, minor asylum seeker originating from Afghanistan

It is interesting to note that the focus-group interviewees failed to mention last year's protests of the citizens of Obrenovac, Vračević and Mladenovac against placing asylum seekers in their communities, and the blockage of food and water deliveries, as a risk which the migrant population in Serbia is exposed to. In general, potential discrimination by local population and institutions, as well as the misuse of their dependent financial position by raising the price of accommodation and basic food items and renting inadequate facilities, was only mentioned in a few cases as a risk faced by irregular migrants, which is possible, or already exists, in their communities (Šid, Subotica, Loznica).

*What is the position of a man who escapes from a country, with no papers, no documents, no way to earn money and ends up without any money, no place to sleep, no place to earn something to eat, he is endangered, has no documents, he is actually trapped and can not find a way out.*

Social Welfare Centre Šid

*As long as there are migrations, smuggling, there is a potential danger that people will become victims of human trafficking.*

PU Šabac

*First of all they are minors, children with no parental protection ... health problems are there from the beginning, just not knowing the language is enough, there is no possibility of communication, I think that it's definitely different compared to a man who is 40 years old and has other abilities, can find his way ... They can be neglected, abused, by human traffickers in the first place.*

Social Welfare Centre Loznica

*What happened in that small village on the border of Macedonia and Serbia when*

*citizens began renting sheds, garages as living spaces to them, when stores raised the price of food, etc.. The same can happen in Šid, I would not be surprised by it.*

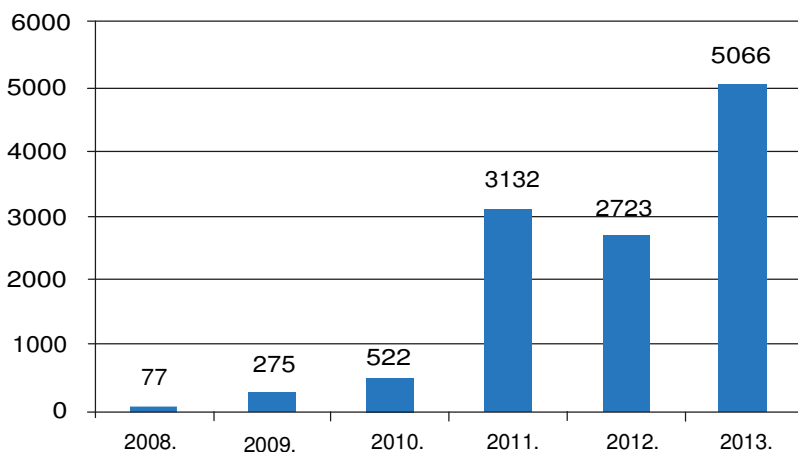
Office for Youth Šid

## Local responses to the needs of migrants and asylum seekers

*This chapter of the report is devoted to mechanisms of response to the phenomenon of migration and the programmes of assistance to persons seeking asylum in different sectors, as well as to mutual cooperation and coordination in towns involved in the project.*

At the beginning of this part of the report, which analyses the role and practice of various systems in working with migrant population and asylum seekers, it is important to emphasize that ever since the asylum system was established in Serbia in 2008, there has been a clear and virtually uninterrupted growth trend in the number of asylum seekers.

**Chart 2: Number of persons who expressed intention to seek asylum from 2008 to 2013** <sup>59</sup>



• <sup>59</sup> <http://www.unhcr.rs/media/asylum-seekers-2013-SRP.pdf>

The latest data show an even more drastic increase in 2014 - only in the first six months of this year, there have been 4257 registered asylum seekers <sup>60</sup>. It should be noted that estimates show the number of irregular migrants can be several times higher than the number of registered asylum seekers (even six to seven times higher) <sup>61</sup>. Thus, for example, in 2010 about 2,500 irregular migrants were recorded, and in 2011 as many as 9,500 <sup>62</sup>, which is drastically higher than the number of those who expressed intent.

This scope of migratory movements and initiated asylum procedures implies that a significant number of migrants spends prolonged time in Serbia, and expresses intention to stay here, and therefore speaks about the need for increased engagement of professionals from different systems involved in assisting the migrant population, potential and registered asylum seekers.

Foreign nationals are identified as beneficiaries of national **system of social protection**. As was stated in the first part of this report, the current Law on Social Welfare identifies social welfare beneficiaries as adult foreign nationals who are in need of social protection, i.e. children foreign nationals who are moving unaccompanied. Consequently, social welfare centres have become competent to work with these two groups of foreign nationals, which includes keeping records of them. Existing data show a drastic increase in the number of unaccompanied **children of foreign nationals** (who are classified as a particularly vulnerable group of children) in the first two years of record-keeping - in 2011 SWCs recorded a total of 98 unaccompanied children, and during the next year, 2012, there was 288 of them <sup>63</sup>. This may be due to an increase in the number of migrant children in Serbia, greater involvement of centres in the system of assistance, a more intensive connection between the centres and the police in regard to minors, or the more efficient recording system. Two other Centres for unaccompanied foreign minors also belong to the social welfare system. They were established as separate working units within the Educational Institute for Children and Adolescents in Belgrade, and the Educational Institute for Adolescents in Niš. After an irregular migrant declares himself a minor to the police, provisions of the Law on Social Welfare and the Law on Asylum require contacting a social welfare centre with territorial jurisdiction, appointing a temporary guardian, and placing the minor

• <sup>60</sup> <http://www.unhcr.rs/dokumenti/statistika/azil.html>

• <sup>61</sup> Analysis – Asylum seekers in Serbia and Serbian asylum seekers in Europe, Asylum Protection Centre APC/CZA, Belgrade, 2013, page 8.

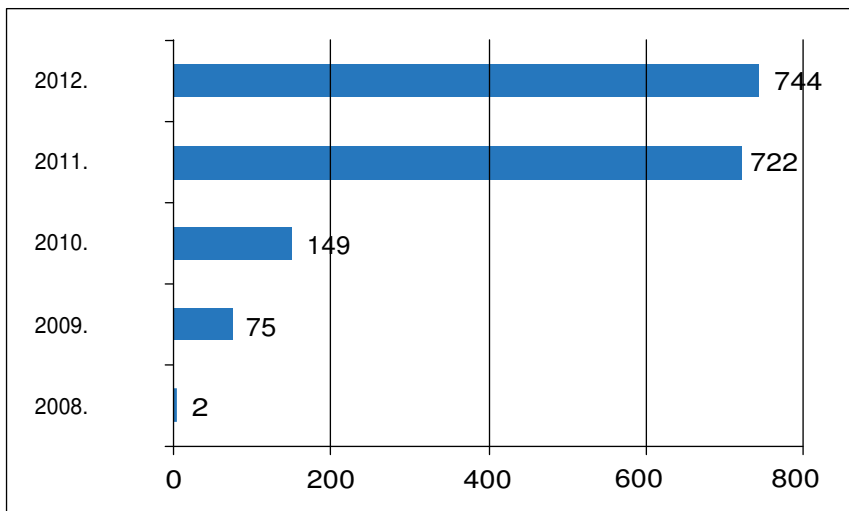
• <sup>62</sup> taken from: Challenges of forced migration in Serbia, Group 484 and the Open Society Foundation, Belgrade, 2012, page 8.

• <sup>63</sup> The centres' report for 2013 has not been published yet. Data are from the annual report for 2012, page 36, available at: <http://www.zavodsz.gov.rs/PDF/izvestajoradu2013/IZVESTAJ%20CSR%202012%20FIN1.pdf>



in one of the two institutes. A guardian has an obligation to be present during the hearing of a minor. In 2011, there were 72 minors placed in the institutes <sup>64</sup>, and in 2012 there were 119 of them <sup>65</sup>. One should bear in mind that accommodations in Belgrade and Niš are temporary type of accommodation. If a minor expresses an intention to seek asylum, and if there is room in asylum centres, he shall be transferred there. There has been a drastic increase in the number of unaccompanied minor asylum seekers in Serbia over the years, which indicates the need for increased engagement of social welfare system services.

**Chart 3: The number of children asylum seekers by years <sup>66</sup>**



• <sup>64</sup> Report on the work of institutions for accommodation of children and youth in Serbia for 2011, page 11  
<http://www.zavodsz.gov.rs/PDF/izvestavanje/izvestaj%20o%20radu%20ustanova%20za%20decu%20i%20mlade%202011.pdf>

• <sup>65</sup> Synthesised report on the work of institutions for accommodation of children and youth in Serbia for 2012, page 10  
<http://www.zavodsz.gov.rs/PDF/izvestajoradu2013/izvestaj%20za%20decu%20i%20mlade%202012%20FIN.pdf>

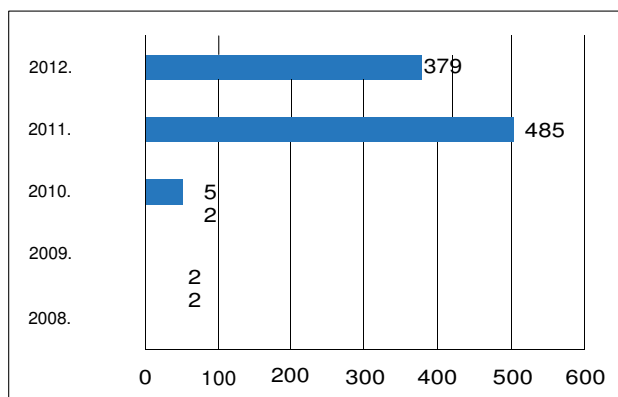
• <sup>66</sup> data obtained from: Publication within the project "Improvement of the system of asylum protection in Serbia", Asylum Protection Centre APC/CZA, Belgrade, 2013, page 17.

Police data show an even greater number of minors who should have been beneficiaries of social welfare systems in 2013 - in fact, during that year, 598 unaccompanied migrant minors sought asylum in Serbia; in addition to them, there were 768 accompanied minor asylum seekers <sup>67</sup>.

When it comes to **adult foreign citizens** who are in need of social protection, the only bylaw in this area is related to persons with a status of asylum seekers. The bylaw in question is "Rulebook on social assistance for persons seeking or granted asylum", which defines the conditions of monthly financial assistance for individuals and families which have not previously been placed in one of the asylum centres (shown in detail in the previous section of the report). However, the available annual reports of the centres do not show the frequency of exercising the right to this form of assistance in centres with territorial jurisdiction (foreign citizens are not specifically identified in the records, so there is a possibility they may be found in one of the other categories: neglected persons, victims of violence, persons with behavioural problems, those with disturbed family relations, social-financially vulnerable), while the information of citizens' associations differ <sup>68</sup>. Social welfare system is also competent for the steps following the decision on the asylum status, i.e. for the care, accommodation and integration of persons granted asylum.

In light of the special focus of the project, within which this research is conducted - assistance to particularly vulnerable groups among migrant population - it is important to note that, apart from the increase in the number of minor asylum seekers, there is also an increase in the number of women seeking asylum. As women and children are indiscriminately identified as exposed to **risks of human trafficking** to a greater extent than men, the need for increased engagement of social welfare systems in working with women among migrant population is undeniable.

- <sup>67</sup> Data obtained from: The Right to Asylum 2013, Belgrade Centre for Human Rights, Belgrade, 2014, page 23.
- <sup>68</sup> According to the data of the Belgrade Centre for Human Rights in 2012 and 2013, none of the asylum seekers were beneficiaries of social welfare: The Right to Asylum 2013, page 68; On the other hand, the data of the Asylum Protection Centre mostly show a more developed practice of exercising financial assistance. Publication within the project "Improvement of the system of asylum protection in Serbia", Asylum Protection Centre APC/CZA, Belgrade, 2013, page 32.

**Chart 4: Number of women asylum seekers by years** <sup>69</sup>

Social welfare centres have already registered **foreign citizens - victims of human trafficking** as their members. However, it can be said that this assistance is inadequate, because in addition to the application of measures of temporary guardianship (in a case of a minor) and certain types of financial aid, there is no serious work on the prevention and detection, nor are there services available during the process of recovery and integration of victims.

**Table 1: Foreign citizens victims of human trafficking - beneficiaries of social welfare centres in relation to exercised rights and measures of family legal protection**

	A total number of recorded cases	Temporary guardianship	The right to financial assistance	The right to one-time financial assistance	In-kind assistance	Subsidies
<b>2011</b> <sup>70</sup>	8	4	1	2	23	18
<b>2012</b> <sup>71</sup>	6	<sup>72</sup>	0	0	0	0

• <sup>69</sup> Publication within the project "Improvement of the system of asylum protection in Serbia", Asylum Protection Centre APC/CZA, Belgrade, 2013, page 17.

• <sup>70</sup> Report on the work of social welfare centres in Serbia in 2011 (Belgrade, July 2012)  
<http://www.zavodsz.gov.rs/PDF/izvestavanje/izvestaj%20o%20radu%20CSR%202011%20-.pdf>

• <sup>71</sup> Synthesised report on the work of social welfare centres in Serbia for 2012  
<http://www.zavodsz.gov.rs/PDF/izvestajoradu2013/IZVESTAJ%20CSR%202012%20FIN1.pdf>

• <sup>72</sup> A total of 14 victims were included in the measure of temporary guardianship in 2012, but there are no data on citizenship.

The centres from towns included in the research - Loznica, Šid, Subotica, Sremska Mitrovica and Lajkovac - have uneven experiences working with foreign citizens irregular migrants and asylum seekers.

Employees of social welfare centres in **Loznica**, near which is the Asylum Centre in Banja Koviljača, and those from **Subotica**, on whose territory irregular migrants have been present for years now, have more practical experience in working with migrant population. They have, within their jurisdictions, already carried out a series of prescribed measures, such as setting up temporary guardians to unaccompanied minor migrants or asylum seekers, attending official acts performed by the police, procedures for the exercise of rights, making contacts and escorting persons to the health centre if immediate medical assistance is needed. Employees from Subotica have experience with numerous migrants attempting to illegally cross the border and thereby expose themselves to extreme health and safety risks, are deceived and robbed by a network of smugglers, or become illegal residents in private accommodation. However, despite the dynamic work and a large number of foreign citizens with whom they come into contact, the employees of both centres find that it mostly comes down to a small-scale engagement prescribed as a minimum obligation.

On the other hand, employees of the social welfare centre in **Sremska Mitrovica** had fewer professional contacts with migrants and asylum seekers, and stated that they do not have developed services for migrants in their local communities, but could, within their jurisdiction, provide services such as setting up a temporary guardian for unaccompanied minor migrant, urgent care or emergency assistance to victims of human trafficking or violence. Employees of the social welfare centre in **Šid**, a town right next to the border, have regular contact with migrant population, but as they do not have conditions for accommodation, mostly do short-term work with them (e.g. transport of minors to Belgrade shelter for minor aliens) and do not have developed programmes of assistance and service. About five years ago, they came into contact with a wave of migration from Albania, whose journey was mainly motivated by economic reasons.

While the issue of **accommodation for unaccompanied minor migrants** and women with children in Subotica has been partially solved by placing them in children's Home "Kolevka", employees of social welfare centres in Sremska Mitrovica and Šid said that, due to lack of shelter in their territory, they do not have the option of accommodating unaccompanied minor migrants, and that they mostly refer them to shelters in Novi Sad and Belgrade.

Social welfare centres in five towns included in the research do not yet have the practice of **foster care services** for minor migrants, primarily due to the small number of emergency foster families, but also due to challenges such as language barriers and lack of sensitized foster families regarding the acceptance of children migrants and asylum seekers. Also, centres' employees have doubts about **their role in detecting potential victims of human trafficking** among migrant population. For example, social welfare centre in Loznica, as a competent authority, does not have an established practice of informing the police about the potential risk of human trafficking in cases when minors who expressed the intention to seek asylum disappear.

Officials from social welfare centres in all towns believe they could provide other services to migrants and asylum seekers, within their jurisdictions, as prescribed by the Law on Social Welfare, such as counselling services, evaluation and planning, but in practice these services are not provided primarily due to the lack of human resources, language barriers and the lack of interpreters, which will be discussed further in the next chapter of the report.

Members of the **Directorate of Border Police** are usually the first persons with whom irregular migrants and potential asylum seekers in Serbia come in contact. If a person is caught while illegally crossing the border outside the border crossing, and does not express an intention to seek asylum, he/she shall be deprived of liberty, brought before the magistrate judge and charged with a misdemeanor <sup>73</sup> or if it is not immediately possible, kept in detention for up to 24 hours <sup>74</sup>.

On the other hand, when it comes to potential asylum seekers, the police officer has an obligation to bring the person to the Inspector for foreigners, who is the only one with jurisdiction to record the intention to seek asylum, issue the necessary certificate and refer the person to one of the asylum centres. Inspectors for foreigners are members of the **Department for Foreigners** of the Directorate of Border Police, who are assigned to every police department in the country, with the Directorate of Border Police for foreigners, combating illegal migration and human trafficking <sup>75</sup>.

Police officers who attended the focus-group interviews in Loznica, Lajkovac, Subotica and Sremska Mitrovica noted that, within their jurisdictions, they

- <sup>73</sup> The Law on State Border Protection, Article 65. Official Gazette of RS, No.97/2008.
- <sup>74</sup> The Law on Misdemeanors, Article 190. Official Gazette of RS, No. 6/2013.
- <sup>75</sup> Publication within the project "Improvement of the system of asylum protection in Serbia", Asylum Protection Centre APC/CZA, Belgrade, 2013, pages 19, 20.

issue certificates of intent to seek asylum to persons who expressed intention to seek asylum, refer them to relevant asylum centres, where the asylum procedure continues, but also care about ensuring public order and prosecute irregular migrants for illegal stay in the territory of the Republic of Serbia, or for illegally crossing the border.

Migrants assessed the attitude of the police in Serbia towards them as professional and good:

*The officers were very nice to us, they gave us all the information about the asylum centres and transport, and even helped us with transport to the asylum centres.*

A, migrant from Syria

*Getting the papers took a long time, but we experienced no problems. They just asked us, "Are you from Syria?". We said yes. They gave us the paper.*

M, migrant from Syria

*When we went to the police station, they told us to sit down and rest. We said we were tired and hungry. One policeman went to buy us sandwiches and gave us a piece of paper to write down the names, family names and country of origin. One woman was sick and they immediately took her to a doctor.*

*It is good to have a place to sleep because this is not our country. When we arrived to Serbia we were happy because we knew that the police won't harass us and that they will help us.*

O, migrant from Somalia

Police officers from Subotica have the most experience with irregular migrants who are caught trying to illegally cross the border, as confirmed by official data - Magistrate Court of Subotica pronounces the highest number of sentences and consequently the largest number of foreigners serve their sentences in the County Prison in Subotica <sup>76</sup>.

When it comes to migrants who seek asylum, the greatest amount of work is done by the police departments in Valjevo and Šabac (police station Loznica), which is the territory of asylum centres with the largest number of asylum seekers in the country. Thus, they are also responsible

<sup>76</sup> Challenges of forced migration in Serbia, Group 484 and the Open Society Foundation, Belgrade, 2012, page 9 and 10.

for the violations and crimes that may occur among the asylum seekers, as well as during the interaction with local population, regardless of whether the migrants and asylum seekers are victims or perpetrators. Examples include a report of rape of a British citizen in Banja Koviljača in 2011, or the protests of residents of Bogovađa and Vračević due to presence of asylum seekers without regulated accommodation, and against the resolution of accommodation issues in their territory in 2013.

It is important to note that alternative reports of civil society organizations mentioned a bad practice of not issuing certificate of expressed intent in Loznica (also in the police station in Obrenovac, which is not included in this research). As a result, some of the asylum seekers were forced to go to Belgrade headquarters of the Department for Foreigners to obtain it, with the risk of being legitimized and not having the necessary identity documents<sup>77</sup>. One example of a good practice that is worth mentioning, especially in light of the connection between the process of irregular migration with human trafficking and overcoming prejudices in the local community, is the practice of the police (PU Sremska Mitrovica) to introduce the children of school age to the phenomenon of irregular migration, within the established activities in the month of fighting against human trafficking. Another good example of the police work is a case regarding a group of Somali citizens, suspected of being potential victims of trafficking, who were introduced to the option of asylum they knew nothing about, after which they were sent to the asylum centre (also PU Sremska Mitrovica).

In addition to police officers and social welfare centres' employees, the healthcare sector is also often among the first ones to come into contact with irregular migrants and asylum seekers. The right to emergency medical care, and healthcare that is generated from the budget, is guaranteed by the Law on Health Care, and the medical treatment of persons awaiting a decision on the request for asylum is the item of a Rulebook on medical examinations of persons seeking asylum upon arrival at the Asylum Centre (both shown in the previous section of this report).

Some experiences on cooperation with representatives of healthcare institutions from migrants themselves:

*People go to the manager, sometimes he takes them to the doctor, sometimes he gives them a medicine, so they don't need to go anywhere. I see people repeatedly trying, they may get medical help, or may not. The doctor comes in here, sometimes examines people and just leaves, does not tell you what's wrong. The doctor does not explain anything, people do not like that, and it turns them off. We do not know whether we will get the medicines, we do not know these doctors, the language, customs, how, what.*

O, migrant from Somalia





*People do not stay here long, so it is not necessary for them to go see a specialist, or go to a hospital. We can take health examinations here, a doctor is coming twice a week, but I haven't got a flu medicine for 10 days now. The doctor is doing a cursory job, and doesn't listen to what asylum seekers are saying.*

M, migrant from Syria

Out of all the focus-group interviewees, the largest amount of work is achieved by health centres Loznica and Lajkovac, i.e. health station Banja Koviljača and Ambulance Bogovađa. They perform systematic examination, and primary health care, of asylum seekers accommodated in these two oldest and most populated asylum centres in the country, upon the admission. One of the challenges in their work is virtually unregulated status of many asylum seekers (those who have expressed intention to seek asylum, and are still without IDs), which have, due to insufficient capacity of the centres, stayed out in the open or rented a place on the outskirts of town. So, there is no initial mediation or participation of the Asylum centre during their examinations. In words of a doctor from the health centre in Loznica, migrants are admitted even without identity cards, and they are only asked to provide certificate of the expressed intent to seek asylum, which is of more recent date. Given that the law guarantees the right to emergency medical care regardless of the status of foreign citizen, it is important to note the good practice of Loznica health centre which admits irregular migrants who are not in the asylum procedure, and do not even have notice of the expressed intent, as evidenced by the administrator of the Asylum Centre in Banja Koviljača. However, even with the good will to admit and treat these persons, there are large gaps at the system level, such as vague instructions from the national level in relation to the charging of these examinations, as well as completely unresolved question of translation, which hinder the realization of the right to health care and which will be further discussed in the following chapter.

Participation of professionals from other sectors - **education, civil society organizations, National Employment Agency** - is needed for an adequate response to the phenomenon of migration, protection of particularly vulnerable groups of migrant population and integration of asylum seekers granted with some form of protection. On the other hand, it is evident that, in addition to the police, and to a lesser extent sector of social welfare and healthcare, representatives of other sectors from the towns involved in the project have almost negligible experience in working with migrant population. Moreover, in addition to general knowledge and first-hand information (experiences encountering irregular migrants in public places in their towns), they are not sufficiently familiar with the specifics of the position of irregular migrants, asylum system in Serbia and the importance of their role in assistance, prevention and integration of migrants into the community.

One of the most prominent positive examples of work on integration is the inclusion of two boys, asylum seekers from Bogovađa, in a separate class of primary school in Lajkovac at the end of 2012, which occurred with the engagement of citizens' association - Asylum Protection Centre APC/CZA. In other towns, there were no examples of migrants entering the school system, primarily because of their brief stay in the territory of specific local governments, the lack of clear guidelines and procedures for an efficient approach to education of children asylum seekers, and probably a more passive position of competent social welfare centres.

Civil society organizations, although not directly working with migrant population, and not having specialized programmes for them, have in the previous period had some type of humanitarian activities, such as collecting and distributing clothes or giving food and financial aid, and referrals to the police (Red Cross Sremska Mitrovica). Organizations from Lajkovac and Loznica - towns with centres for accommodation of asylum seekers - and also Subotica (where a large number of irregular migrants has been present for years now) were informed and closely acquainted with the rights of migrants and asylum seekers and challenges in working directly with them, through the activities of Asylum Protection Centre APC/CZA and Atina's current project. It is interesting to note that the other participants recognized CSOs as potential carriers and intermediaries in the dialogue between citizens and institutions in local communities and the migrants themselves, even as the key drivers of assistance programme. This perception probably stems in part from the overload of other sectors, but is also a sign of understanding that citizens' associations are sensitized and experienced in working with vulnerable groups to a greater extent. However, all representatives of local civil society organizations stated that they do not have technical and operational capacities to deal with intense and long-term response to the needs of the migrant population and that they would need additional support programmes and capacity building. They also believe that they could rely on their experience in the field of combating human trafficking in any possible future involvement with vulnerable groups of migrants (mainly the implementation of prevention programs in collaboration with the police).

Employees of the National Employment Agency in Loznica and Lajkovac noted that they can provide mediation in employment to asylum seekers who have been granted some form of protection, as well as advisory services, further education and vocational training. However, due to the extremely small number of persons granted protection in Serbia, they have not yet had a significant engagement in this area. An example of a good employment practice, and hence working on the integration, is the case of two persons, granted subsidiary protection, registered in the records of Loznica branch of

the National Employment Agency to have employment booklets, and have been engaged for translation services in the Asylum Centre in Banja Koviljača.

On labour market inclusion, migrants themselves say:

*When a migrant comes into a country, the country should first accept him and give him a job. When a migrant receives papers, he can work. When he works, he is helping society, and that is developing. A migrant can be an engineer, programmer, doctor, and help that country more than his own. He is committed both mentally and physically.*

A, migrant from Syria

Bearing in mind the expectation of a higher inflow of migrants in Serbia, officials from the National Employment Agency expect challenges due to the lack of knowledge of the Serbian language (absence of arranged intensive language learning programmes), which makes their position in the labour market more difficult, as well as due to bad economic situation in the country and a high unemployment rate.

In the end, it is important to look back on the **cooperation of stakeholders from different sectors**, as it is often the decisive factor of success, both in preventive work with a population of irregular migrants and vulnerable groups among them, resolving situations that require urgent intervention, but also in the integration of migrants and asylum seekers with a prolonged stay in Serbia. The importance of cooperation is particularly pronounced bearing in mind the above explained differences in experience and scope of activities with migrants - coordination and cooperation can help convey more complex experiences of the police, healthcare and social protection systems, when it comes to migration and the needs of vulnerable groups within the migrant population, and bring them closer to other sectors.

Officials of social welfare centres in Loznica, Subotica and Sremska Mitrovica said that they have a good cooperation with the police, at the town level, and that it is mostly realized in the procedures related to unaccompanied minors. The cooperation with local branches of the Red Cross and medical institutions was also noted. Mutual cooperation is achieved primarily by solving individual cases, which often includes responding to emergency situations, providing direct assistance and referral, and coordination with other relevant institutions. In addition, the Asylum Centre in Banja Koviljača is directly referred to the social welfare centre in Loznica, which is required to ensure the presence of a social worker for any official actions related to their beneficiaries who are unaccompanied minor asylum seekers, including the appointment of a temporary guardian. As for the Police Department in

Valjevo, which has jurisdiction in the area with the largest asylum centre in the country - Bogovađa, its members believe that the obligation of taking care of irregular migrants, potential asylum seekers in practice remains primarily on the police, and that the cooperation with other sectors (including the Asylum Centre and Healthcare Centre) is unsatisfactory. Officials of the social welfare centre in Subotica coordinate accommodation for women and children in the Children's Home "Kolevka" with representatives of the police and health workers, while adult men are serving prison sentences for illegal crossing of the state border.

Although the majority of participants assessed the cooperation of institutions at the local level as satisfactory and fair, it is considered that this cooperation is mostly based on personal acquaintance, that there is no systemically regulated and stable set of clear policies and procedures, but that it is largely conditioned by the personal initiatives of officials and representatives of organizations and institutions. While this form of cooperation fulfils the needs of some of the main official actions, it may not be sufficient to resolve complex situations, or to assist a larger number of migrants. It is also evident that representatives of different sectors primarily rely on the police in almost all segments of working with the migrant population. In addition to the fact that the police are, due to the nature of their work, usually the first to come into contact with irregular migrants and asylum seekers, their members are also organizing the coordination and assistance of other sectors (notifying social welfare centres and health centres, transportation of migrants, provision of food ...).

Most of the focus-group interviewees emphasized the need for cooperation and exchange of experience with colleagues from other cities, who are working on similar tasks. Interestingly, the participants, despite the unequivocal expression of the need to deepen cooperation, and formalize coordination - to some extent at least - also noted that initiatives in this direction are very rare, and joint meetings are seldom held. An example of good practice are members of the police, as a sector that has the highest number of institutional trainings in the field of migration, who share their knowledge and information with other sectors, such as the social welfare system (e.g. Sremska Mitrovica). Also, it is possible to use already established channels of cooperation in the protection of victims of human trafficking and victims of violence, during the assistance to especially vulnerable groups within the migrant population (Subotica).

*Overall, I think that the Centre does not provide enough services and protection, partly because of a translator, who is not easily available to us... Except formally, setting up a temporary guardian...*

*I have personally accommodated those who were nearly frostbitten, the police took them off of a freight train in the winter with no heat. By estimate, we see that they are young, which means they are not older than 13, 14, 15, but nearly frozen.*

Social Welfare Centre Subotica

*But I emphasize that everywhere and always praise it, perhaps it was with more or less pleasure, but a healthcare worker, in a health centre in Loznica and ambulance in Banja, never actually refused to provide medical help... Even at the time when we had 1000 people outside, of which two-thirds were illegal, with no papers, and without knowing how and who will pay for it, people were admitted.*

Asylum Centre Banja Koviljača

*The role of the police is to protect human lives and the property of citizens, therefore, human lives, not the lives of Serbian citizens, but anyone's. We are not interested in whether or not he has a paper, his life and health must not be jeopardized. A competent body will later deal with it, but at this point, if he is threatened by an offence or anything, we will, of course, react. Now, whether he has the paper and whose citizen he actually is, that does not interest me.*

PU Šabac

*I had a case of eight Somali citizens, with two or three children... They did not even know what asylum was. So given that they definitely were potential victims of human trafficking, and that we learned they sold their property there, that their husbands were killed there, we explained what asylum is and referred them - we issued certificates even though they did not ask for it. We explained and then they wanted it, of course.*

PU Sremska Mitrovica

*It depends on who you cooperate with, it is not the same cooperating with this public prosecutor and that, with this judge and with that. It simply depends on how lucky you are. It is sometimes good, sometimes bad, because there are some things you cannot do if you do not know someone personally, and sometimes it can turn out to be a barrier.*

Social Welfare Centre Šid

*We are in constant contact with the police inspectors and the Red Cross, both professional and personal, and however we want to be. 24 hours, whenever we need each other, both as the systems and as individuals.*

Social Welfare Centre Sremska Mitrovica

*When it comes to the police, we work directly with the inspectors, and everything new that happens at the police, any training they go to, we get together later and make some sort of a professional training. Transfer of knowledge that we have implemented several times already...*

Social Welfare Centre Sremska Mitrovica

## **Challenges in responding to the needs of migrants and asylum seekers**

*This chapter of the report shows main challenges faced by the representatives of different systems who, at the local level, need to work on assistance and integration of migrants and asylum seekers. In addition to shortcomings resulting from inconsistencies of the national asylum system, such as lack of clarity when it comes to the treatment and practical realization of stipulated rights, lack of financial and human resources, the attention has also been paid to the attitudes professionals themselves express toward migrants, which are often implicitly critical factors of quality of interventions that will be undertaken. The insights of interviewees on the general mood of citizens towards the migrant population and the current level of interaction between them are presented in the closing section of the chapter.*

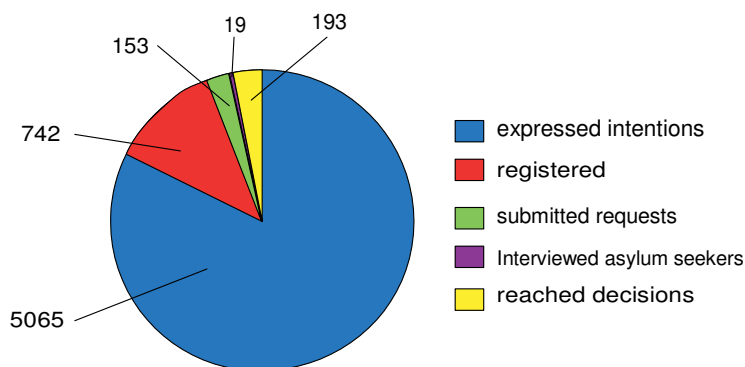
At the very beginning of this chapter, it is important to look back on some of the key **systemic deficiencies of the national asylum system**, which directly affect the way of assistance to migrants and asylum seekers at the local level, and the challenges that professionals in the towns involved in the project face.

Undue **length of asylum procedure** is often cited as the biggest complaint <sup>78</sup> to domestic asylum system. This especially applies to delay of the first official registration by the officials of the Department of Asylum. In fact, as the Law on Asylum does not prescribe a time limit for registration, there were examples in practice of more than a month long wait between

<sup>78</sup> Reports of citizens' associations: The Right to Asylum 2013, Belgrade Centre for Human Rights, Belgrade, 2014, pages 34–40; Analysis Asylum seekers in Serbia and Serbian asylum seekers in Europe, pages 17, 18.

the moment an asylum seeker expresses an intention to seek asylum (which is not recognised as the first action in the asylum procedure by our Law) and is placed in one of the asylum centres, and the arrival of officer who completes his registration. The procedure of issuing identity cards is quite similar - a deadline for their issue is not regulated and depends solely on the availability of staff in the Department. While waiting on identity cards, asylum seekers have no other identification documents, which clearly can hinder access to certain rights and completely prevent their movement through the country, or access to money in the bank accounts. Registration and issuance of identity cards are systemically resolved only at the Asylum Centre in Banja Koviljača, where an officer of the Department is present at all times. In other centres in the country official actions are almost non-performing or are being performed sporadically. A deadline is not regulated for the hearing either, which has the same average waiting period of more than a month.

Chart 5: Number of persons who entered asylum procedure during 2013 <sup>79</sup>



However, even the number of those who persevere to the end of the asylum procedure, and are granted some form of protection, is almost negligible. Of 193 decisions made in 2013, 176 were of suspended proceedings, while only 4 persons had their asylum requests granted <sup>80</sup>. Since the establishment of asylum system, i.e. from the beginning of implementation of the Law on Asylum (April 2008), over 10.000 persons sought asylum in Serbia, only 12 of whom received a positive decision - refugee status or subsidiary protection <sup>81</sup>.

<sup>79</sup> [http://azil.rs/doc/Statistika\\_za\\_2013\\_1.pdf](http://azil.rs/doc/Statistika_za_2013_1.pdf)

<sup>80</sup> Ibid.

<sup>81</sup> The Right to Asylum 2013, page 24.

**Insufficient capacity of existing asylum centres** is an additional failing of the national asylum system, which forced many asylum seekers to find and pay for private housing in their vicinity. Aside from the violation of asylum seekers' right to accommodation, this practice (which took a form of mass practice in 2013) also denies these persons access to the asylum procedure, because only those placed in the official centres can be registered by the Asylum Office, while others retain the status of irregular migrants.

Generally, the arrival of a large number of migrants in 2013 showed the extent of **inadequacy of local assistance mechanisms** when it comes to working with any significant number of potential asylum seekers, as well as the **seriousness of unclearities regarding the treatment, and lack of coordination between different sectors, as well as between national and local level of government.**

This was pointed out by representatives of various sectors from the five towns involved in the project - Loznica, Lajkovac, Šid, Subotica, Sremska Mitrovica. Officials of the social welfare centres primarily noted that they lacked clearer instructions by the state authorities and local self-governments on the jurisdiction and procedures of the centres themselves, that would be separate instructions for the group of irregular migrants and the group of asylum seekers. Although some centres (primarily Loznica and Subotica) have a clearer picture of their role in the system of assistance to migrants and asylum seekers, it was a challenge to determine differences between the corpus of rights guaranteed to irregular migrants from the one guaranteed only to asylum seekers, those who have been granted asylum, and the rights guaranteed only to the citizens of Serbia. This partly stems from the fact that even those centres with greater experience almost exclusively work with persons who have already expressed their intention to seek asylum, or are in the procedure of regulating their status (Social Welfare Centre Loznica, for example, works exclusively in collaboration with the Asylum Centre Banja Koviljača). One of the dilemmas is in relation to whether persons awaiting decision on the request for asylum, who are not placed in the asylum centre, are entitled to financial benefits (although this right is subject of a special Rulebook mentioned in the previous sections of the report). In addition, there is uncertainty in regard to how this right should be exercised if there are no allocated resources either at the state or at local level to support it. Also, how to administer financial benefits to migrants and asylum seekers unless they have regulated residence in the territory of the particular municipality, and unless that right is the subject of local Decision on the rights of social services. It is possible that one part of the uncertainty, regarding the treatment, stems from certain ambiguities of the Law on Asylum, in the part relating to the rights and obligations of asylum seekers, refugees and persons granted subsidiary protection, i.e. unclear separation of the rights enjoyed by persons in the asylum





procedure from the rights enjoyed by those who have been granted asylum <sup>82</sup>, and from serious aforementioned institutional deficiencies at the national level, but also from the lack of knowledge on existing legislation (primarily the Rulebook on Social Assistance for persons who seek, or have been granted, asylum) and on the corpus of rights guaranteed to migrants and asylum seekers.

Although interviewees highlighted the healthcare system (and especially Health Centre Loznica) as one of the more functional systems when it comes to providing services to migrants and asylum seekers, during the focus-group interviews some serious systemic flaws in it were pointed out to, such as an unclear way of keeping medical records and charging examinations, or the fact that conducted examinations do not count in the doctors' work norms. Apart from the Rulebook on medical examinations of asylum seekers, healthcare of asylum seekers and migrants has not been detailed in any other bylaw, and health institutions at the local level are left to find *ad hoc* solutions, often based on personal motivation of employees.

In addition to social protection and healthcare, representatives of other systems that should be involved in the mechanism of assistance and integration of migrants and asylum seekers also have doubts about their competence and the exercise of rights in practice. For example, although the right to education is guaranteed by the Law on the Foundations of the Education System, preparatory and supplementary classes of Serbian language for asylum seekers are not regulated by the system, so the exercise of this right is not clear, i.e. its realization is virtually prevented. Also, officials of the National Employment Agency were not sure about the rights asylum seekers can exercise in the labour market, even if they have already entered asylum procedure and have an identity document, and they would certainly need additional consultation or instructions from the competent Ministry.

In addition to these challenges, which mainly arise from systemic deficiencies, insufficiently regulated jurisdictions and lack of awareness of officers who have the competence to work with migrants and asylum seekers at the level of their communities, there are also problems that are a result of disturbing **lack of financial, human and technical resources which all sectors are facing**.

<sup>82</sup> The Right to Asylum 2013, page 65.

The most frequently mentioned problem is **interpreting**, certainly a key issue when it comes to working with foreign citizens. All focus-group participants stressed that the lack of interpreters and, thus, reduced ability of communication with migrants directly affects the capacity to provide them with comprehensive and needed services. The problem of interpretation, and in particular the lack of male and female interpreters of Arabic and Farsi, who would be regularly engaged and at disposal, becomes particularly alarming when it comes to working with vulnerable groups among the migrant population - women potential victims of trafficking and violence, those who are involved in prostitution, minors who are suspected to travel unaccompanied (when an adult who presents himself as the parent does not have adequate proof that he is indeed the parent), as well as those in need of urgent medical assistance. An illustrative example is from the Health Centre in Loznica, where a migrant (without a husband) was brought in critical condition due to difficulties caused by complicated pregnancy, and whose life was saved by prompt intervention. A male interpreter was supposed to translate the conversation between her and a doctor, and the doctor reasonably believes that the patient was not able to freely and openly talk about her life circumstances, reasons for travel, or health problems, so any possible explanations, including diagnosing and reacting to a possible exploitation, were very limited.

In light of the aforementioned practice of our government authorities for migrants to be left only with a confirmation of the expressed intention (which does not contain a photo) as the only identity document for longer periods of time, the absence of interpretation further prevents proper identification, which is a prerequisite of encircled measures of assistance. This certainly further complicates work of officers who should provide that assistance.

Officials of social welfare centres, the police and asylum centres emphasized the problem of insufficient accommodation capacities for migrants and asylum seekers as an additional aggravating factor in the provision of assistance and timely integration. As mentioned earlier in the report, the practice of emergency foster care for minor migrants is not developed in any town, and the possibilities for accommodation in existing institutions of social protection are very limited. As for the accommodation of minors, professionals from Subotica to some extent rely on Children's Home Kolevka, but say that the capacity is insufficient, and there is also an unresolved question of the accommodation of women and children, while the men with whom they travelled are serving a misdemeanor sentence for illegal crossing of the border. On the other hand, the officials of the Social Welfare Centre in Šid often can not rely on any institution (they are explicitly rejected by Belgrade's Shelter due to lack of capacity), and only rely on the goodwill of a network of foster homes. Insights of employees in

Sremska Mitrovica are similar - there are no social welfare institutions for accommodation on the territory of Srem (except for the care home for the elderly in Ruma), so they refer their beneficiaries to Shelter in Novi Sad, which is also obligated to accept minor foreigners, but whose capacities are also always filled. In the context of the previously mentioned problem with accommodation capacities of state asylum centres which can not accommodate every person who has expressed intention of seeking asylum and is awaiting registration, it is clear that the issue of housing for migrants has not been systemically resolved at any stage - not before the possible start of the asylum procedure, or during its duration.

This group of challenges includes a general lack of **financial and human resources** necessary for adequate measures of assistance to migrants and asylum seekers, especially in the sector of social protection and the police. Police officers from Valjevo and Šabac (which is competent to issue certificates for asylum seekers who are accommodated in the Asylum Centre in Bogovađa and Banja Koviljača) pointed out that due to the increasing number of asylum seekers who are referred to the territory under their jurisdiction their capacities are overloaded, and they cannot adequately process all cases (e.g. in Valjevo four police officers worked on 3.500 requests). Despite the absence of effectively organized interpreting service and lack of staff - police officers, the lack of IT equipment and networked databases was also highlighted.

Regarding social protection services, the Social Welfare Centre from Loznica (which due to presence of the Asylum Centre in Banja Koviljača has more contact with asylum seekers from social welfare centres in other cities) because of too many other beneficiaries, some of which require urgent intervention (primarily the care of children victims of abuse and neglect), usually performs their share of work with migrants only through presence during official actions (appointing a guardian to unaccompanied minors and attendance during the official actions of the police with unaccompanied minors). Also, there is an agreement among all the centres that they have almost no capacity for preventive work with migrant population and particularly vulnerable groups (women and children) on the topic of exposure to risks of human trafficking and violence. Furthermore, a similar lack of capacity was estimated in working on the integration of migrants into local communities upon the eventual resolution of their status, or during the asylum procedure. Possibilities for effective intervention and assistance which social welfare centres can provide to migrant population are made even more difficult due to the economic crisis in Serbia and the increasing number of beneficiaries of financial support among the local population (for example, the number of social assistance beneficiaries in Šid more than tripled in just eight years). Also, the inability of centres to work on adequate assistance and integration of migrants in the local communities only reflects a broader national context – a fact is, for example, that funds for the

integration of persons granted refugee status of subsidiary protection are being allocated at the national level only since 2014 <sup>83</sup>.

In addition to the aforementioned problems of the current system of assistance the integration of asylum seekers and irregular migrants, resulting from disorganization of the system and modest resources, another set of challenges was singled out, related to the **perception of migrants by professionals** - representatives of different services at the local level.

During the focus-group interviews, representatives of different systems who are in the most direct contact with migrants and asylum seekers, or who have the jurisdiction to work with them, almost invariably **emphasised that Serbia is just a transit country, that migrants are persons passing by**, that they do not want to stay in Serbia or to achieve and enjoy protection here. Even the expression of intent to seek asylum is seen as a way to be placed in local asylum centres, in order to recover and move on, rather than exercise protection in Serbia. As the main reason why migrants do not really want to stay in Serbia, interviewees name bad economic situation in the country and an underdeveloped system of support and assistance that Serbia can provide, compared to the countries of Western and Northern Europe.

While it is true that migrants, in many cases, have a primary goal to reach developed countries which have a more efficient asylum system, and that a certain number of them is using the local asylum system to obtain temporary assistance and move on, it is also undeniable that the number of asylum seekers increases from year to year. There is a tendency of migrants extending the time spent in Serbia, a certain number of them considers (or have come to consider) Serbia as their desired final destination, so a systematic and thorough assistance is necessary, which implies the obligation of competent services to expand their engagement in working with them. Predominant and often arbitrary estimate that migrants only transit through Serbia, with no genuine intention of remaining here, leads to the danger that professionals from different systems shall actually ignore objectively difficult circumstances from which they come and in which they travel, characterized by the traumatization and uncertainty. Furthermore, the information that a large number of migrants aims to reach Northern and Western Europe can be tendentially interpreted as the absence of genuine need for regulated and efficient asylum system, as well as to serve as an excuse for its poor functioning, and not paying attention to asylum seekers by the system institutions. On the other hand, a disordered system will, in turn, lead to

<sup>83</sup> The Right to Asylum 2013, page 72.

demotivation of migrants and potential asylum seekers to even seek asylum or wait for the outcome of asylum procedure in Serbia, which also reduces the responsibility of our system for assistance and their integration.

It should be noted that, during focus-group interviews, some participants voiced their **distrust, and even prejudices**, toward the migrant population. It was generally reflected in a low valuation of cultural forms from which migrants derive, their education level and lifestyle, perceiving their stay in the asylum centres in Serbia as an undeserved holiday that they do not appreciate enough, but instead abuse the asylum system ("they sit in those centres and don't do a thing", "some of them only think about their rights"). The fear of a large number of migrants is also evident ("you walk through your own town and feel as if you live in Arabia or Afghanistan"), as well as the fear of potential infectious diseases which they can be carriers of, and even violence which they may cause ("they are known as people with very short fuse, they have very little tolerance"). These type of attitudes among employees in public services will inevitably hinder proper work on the protection and integration of migrant population, and moreover lead to the fact that they are thinking contrary to good practices and value principles (such as a draft proposal for the relocation of migrants away from the city, instead of intensive work on their integration, and ideas that integration will be easier in the case of children migrants from Africa, because of their appealing physical appearance). Fears and prejudices of the participants were imbued with their perception of the attitude of citizens, and general mood towards the population of migrants and asylum seekers in their towns. Thus, professionals from different systems have recognized the existence of **fear and prejudice of fellow citizens - residents of Loznica, Sremska Mitrovica, Subotica, Šid and Lajkovac towards migrants**. They assessed that interaction between citizens in local communities and migrants is superficial, that they make contact with each other almost exclusively at stores, post offices, banks, in their daily routine work, while some of the towns already experienced escalating dissatisfaction of local population, or discouragement of providing assistance to migrants by the authorities in their territory (Banja Koviljača, Subotica, Lajkovac).

*The problem is that rumours circulate that they will be employed, and that they spread diseases and infections... There's a wall that is formed of ignorance.*

Refugee Commissioner

*I think that most people here do not like them... They do not even like to see them, and have some kind of resistance to this, and as long as the issue of asylum seekers continues to be a political issue, there will be no progress.*

Citizens' Association Loznica

*I believe citizens are aware of who they are and where they came from, but they are not aware that these persons can lawfully reside here.*

PU Subotica

Some of the migrants agree with these estimates:

*I feel bad. Really bad. It's hard. I have a different skin colour, different hair. Maybe that's the reason why the people that I met this morning did not want to talk to me. Contact with people - zero.*

H, irregular migrant

However, some migrants have different experiences:

*Population of Bogovada sympathizes with asylum seekers. They see us, sometimes give us fruit, say hi. They know who we are and that we escaped from the war.*

M, migrant from Syria

*When we were buying our tickets, we only had euros, and a woman who works at the bus stop said we cannot pay in euros, and asked the man who stood in line to buy a ticket to show us where the exchange office is. He went with us, asked where we were from, and helped us exchange money.*

O, migrant from Somalia

It has been observed that younger generations more easily make contact with migrants, mainly due to language skills, and that there is a smaller distance in relation to women and children migrants, as well as that their longer presence leads to more positive attitude, because citizens lost the initial fear of the unknown.

*I do not understand the language, but use a bit of English, a bit of hand gestures. I was shy, they approached me first. We meet for lunch, in the internet classroom, play football, basketball, play cards ..*

S, unaccompanied minor asylum seeker, originating from  
Afghanistan

It has been noticed that poor economic conditions are often cited as the reason for rejection of migrants, i.e. The sense of economic uncertainty and exclusion of citizens themselves (the phrase "we are poor too" is often repeated). However, some focus-group interviewees correctly pointed out that fear, prejudice and a sense of vulnerability do not prevent the local population to misuse or sanction the abuse of the vulnerable position of asylum seekers (for example, by raising the price of food or rent, or even by offering to take them across the border for money). They also pointed out the paradox of accepting refugees from countries affected by conflict, or in deep poverty, in Serbia, which has experienced a huge influx of refugees during the wars in former Yugoslavia, as well as a large number of those who emigrated abroad for economic reasons. Sremska Mitrovica is the only town that mentioned some of its citizens identify with migrants on this basis.

**The role of the media** is evaluated as mostly negative, both at national and local level. Interviewees could not remember any example of positive media coverage of the situation of migrants, asylum seekers and contemporary issue of migratory movements, but pointed out that the media are generally inclined to sensationalism and tendentious reporting.

*We are a nation which, in general, lets the media shape our thinking and public opinion. As the media quieted down a bit, and once they calmed tensions, things quieted down among the citizens as well.*

Office for Youth Šid

As reasons for the fear and distrust that dominate in the local communities, professionals from different systems properly recognised systemic deficiencies in the asylum system at the national level. The lack of planning and coordination lead to reception, accommodation and assistance to asylum seekers being chaotic and inadequate, which sends a message that the right of migrants and asylum seekers to a dignified treatment is not important, and that the system is disorganized, and even subject to changes in relation to the mood that prevails among the local population.



*This is something new, we have a protocol for the victims of human trafficking, but there is no such thing for the asylum. It has to be solved systemically.*

Department for Foreigners Sremska Mitrovica

*As for the healthcare, I certainly think that the system must address it better. Specifically, our doctor has a problem - the examinations of asylum seekers are not counted as her working hours... only thanks to good relations between us at the local level, and my mediation with the director of the Health Centre, who has the discretion to reward his employees, she gets compensated for this work. Otherwise, each examination of asylum seekers is literally tabula rasa, invisible. She should, in fact, receive a lower salary because of that...*

Asylum Centre Banja Koviljača

*We had an asylum seeker, she was here without a husband. She would not talk in front of a stranger, interpreter, in front of a man of such topics. I could see that something is going on. Who brought her? The woman is dying, but won't tell us a thing. I do not know how to ask her, and then I tried to gesture, all sorts of things. I suspected on pregnancy and kept asking ... Luckily we managed to get the information... it was ectopic. Last-minute surgery. Half an hour later she could have died....*

Health Centre Loznica

*You are unlikely to achieve a contact with women. They are with a man who accompanies them. Is he a husband or not, we do not know, that's the problem... Maybe she's here in transit, in order to recover economically. What will she do when she goes there? Will she be a victim of human trafficking? We do not know and can not claim, because we do not have an adequate interpreter.*

MUP Sremska Mitrovica

*We are supposed to accommodate those children, who are minor foreigners, either in shelters or in emergency foster families. And even when it was our kid, it happened that we call the shelter and that they openly say "no", and what do I do at two o'clock in the morning, I do not know where to take him. It is a mission impossible, sometimes we place him in a foster family, beg them to take him on for one night... We, as a centre, have not received a single notification that we can refer these persons to them. It needs to be regulated somehow, to be clear on how to act, whom to turn to, where to accommodate these persons, who is competent...*

SWC Šid

*If I told you what the competence of service for protection of children and youth is. From urgent care for children, from violence, abuse, neglect, not to mention regular procedures during a divorce, juveniles who have committed crimes and misdemeanors... and then an asylum seeker comes. I mean, when I line up everything that's urgent, it sounds ugly but asylum seekers are a sort of regular procedure for us. In addition, it depends on the driver who is not there, and on an interpreter...*

SWC Loznica

*Out of five thousand requests that were submitted last year, three and a half thousand were registered in Valjevo, and we only have four employees. Deficiencies are an insufficient number of employees, training, technology - we don't even have a laptop for data processing, translators - we mostly only know English language...*

PUValjevo

*Look at the benefits that our economy, our municipality, receives with the arrival of these people. Where do they spend their money, but with us? Second, let's begin with how many Serbs go to other countries as asylum seekers. What status do they have? So, you should consider these things as well, in order to create and form some kind of an opinion.*

National Employment Agency Loznica



## RECOMMENDATIONS

Analysis of the input of migrants themselves, and professionals who have the competence to deal with assistance to migrants and asylum seekers at the local level, and/or to implement programmes intended for their integration into the local system, as well as to contextualise these inputs in relation to tendencies at the national level, helped us formulate the following recommendations for policy assistance and integration of migrants and asylum seekers in local communities:

### Resources of local services and institutions

- Provide **interpretation** in all the proceedings and official actions related to migrants and asylum seekers, starting with the first conversation irregular migrants have with police officers during which an intention to seek asylum may be recognized, through possible later stages of asylum procedure. It is necessary for translation services to be readily available, and available based on predetermined schedule (if a continuous availability is not possible), to professionals from different systems (primarily the police, healthcare, social welfare). It is also necessary for translators to be specially trained, and have competence in the fields of migrations, asylum system, methods of protecting the rights and intercultural communication. It is further necessary to provide both male and female translators, who are gender-sensitised, thoroughly informed on all the specific risk factors that accompany migrant status, and competent to work with migrants who are (potential) victims of violence, sexual violence, abuse and human trafficking, and especially with women and children.
- Increase the availability of professionals at the local level to deal with programmes of assistance and integration of migrants. This is particularly important in cases that require urgent interventions (violence, critical medical condition), as well as in all the cases involving victims of human trafficking and minors. This implies that it is necessary to appoint temporary guardians who will follow the case and be available from the beginning of the process to its conclusion (in order to establish a stable relationship of trust between the ward and the guardian), to have an interpreter with adequate professional knowledge at their disposal, and to

be able to make field visits and check on the ward. As additional employment in the public sector is nearly impossible due to austerity measures and the last year's amendments to the Law on the Budget System, this can only be done through the reorganisation of work and of the scope of activities of current employees, with a possibility of civil society organisations taking over certain tasks (primarily those conducted by social welfare services).

### **Competence of individual services and networking at the local level**

- It is necessary to prepare individual **instructions on treatment** for the following services and institutions at the local level: the health care system, social welfare, the police, education, National Employment Agency. Relying on existing good examples of protocols on treatment (primarily in response to cases of violence, abuse and neglect of children), a document should be drafted to help the officials at the local level understand the rights enjoyed by different groups within the migrant population (irregular migrants, asylum seekers, persons in different stages of the asylum procedure), with specific emphasis on those who are also victims or potential victims of violence or human trafficking. Furthermore, it is necessary to thoroughly clarify jurisdiction and responsibilities of each sector for treatment, care, assistance and integration of each group of migrants, along with recommendations and information about good practices. The subject of such instruction should certainly be handling in relation to the possession of necessary personal documents, or lack thereof, as well as referral and accommodation (clarification of accommodation capacities) in institutions or foster care outside the local community.

- **Programmes for improvement of professional competence** should be developed and carried out for employees in local services and institutions, in the field of migration and asylum procedures. Such training programmes should include information about Serbia's position on the map of global migration trends and its obligation to develop asylum system in the broader context of joining the EU, and the migration policy of the European Union. Next, it is necessary to pay attention to the precise explanation of the corpus of law different groups of migrants enjoy in Serbia, and to responsibilities and obligations of different systems in working with them.

- Aside from being informative, it is important for the training programmes to include **sensitization** to specific circumstances of

the migrant status, so that local officials can understand the vulnerability, traumatisation and uncertainty that follow forced migration, often inhumane travelling conditions and/or the wait times during the asylum procedure and the effect that it has on physical and mental condition of migrants, and so that they can implement this understanding into their contact and work with migrant population (starting from the first contact with irregular migrants, understanding the reasons of illegal entry into the country, estimating whether a person is an irregular migrant or a potential asylum seeker, i.e. timely recognition of the intent to seek asylum).

- Develop special **training programmes for working with particularly vulnerable groups** within the migrant population - women and children potential victims of abuse, exploitation, violence and human trafficking. This training should include clarification of jurisdictions, methods of applying proactive measures of identification (including field visits and checking on the condition of accommodation and residence in Serbia), initial assistance and subsequent proceedings in cases of sexual, physical and psychological abuse and exploitation. In order to keep the cost of such trainings at a minimum, an existing practice of transferring new knowledge between the sectors should be used, in places where it is already established - training in related areas of the fight against human trafficking (primarily for the police officers), prevention of abuse and violence against children and prevention of gender-based violence (social welfare centres), as well as the experience of civil society organisations in the programmes meant for different vulnerable groups.

- In the process of assistance and integration of migrants it is necessary to provide a **higher degree of coordination of actors** with the jurisdiction to work in this field. Coordination and cooperation can be formalised by creating new mechanisms and protocols on cooperation related only to migrants and asylum seekers, or by working on increased efficiency of the existing resources and networks in related fields (combating violence against children, gender-based violence, human trafficking) and strengthening the capacity of actors who work in these fields, so that they can be able to respond to the vulnerability and needs of migrant and asylum population.

- Due to need of coordination at the local level, there is also the necessity to intensify **involvement of local governments**. Local governments play the key role in both gathering other actors and formulating sustainable responses to the needs of migrants and asylum seekers, especially in light of the need for

their integration into local communities, which requires a long-term approach. Introduction of representatives of local government and administration, and their intensified involvement in this area is further required, given their expanded jurisdiction in a decentralised system of social protection. In this way, local governments could play a more active role in planning and ordering services intended for migrants and asylum seekers, funding programmes of citizens' associations aimed at integration, assistance in solving problems of urgent accommodation in the municipality, expanding local decisions on the rights and social welfare services so that they include needs of migrant population and particularly vulnerable groups.

### **Sensitizing the local community and intercultural mediation**

- It is necessary to further **explore the social distance** towards migrants and asylum seekers in specific communities, and the factors affecting it, in order to create specialised programmes (campaigns, education, activities involving migrants) intended for its reduction.
- Develop and implement special **programmes aimed at informing journalists and editors** on migration phenomenon, obligations of the Republic of Serbia, and its place on the map of international migration. More importantly, these programmes should sensitise media representatives to characteristics and vulnerability of migrant status, and help them to properly understand the rights migrants and asylum seekers in Serbia enjoy. Reducing prejudice and practices of discriminatory and tendentious reporting, and presenting positive examples from lives and integration of migrants in Serbia, can be one of the key factors in reducing feelings of fear and hostility of our citizens towards migrants and asylum seekers.
- Speaking of informing, there is also the need to work on informing our citizens on the phenomenon of global migration, the reasons why migrants arrive in their communities, opportunities in their countries of origin, conditions of travel, etc. Also, findings from focus-group interviews suggest that these programmes need to include school-age children, as the future leaders of interaction. Migrants and asylum seekers should also be included in these programmes to the greatest extent possible, and thus encourage mutual interaction and communication. It is possible to develop and carry out a whole range of participatory and innovative programmes that rely on existing

resources and do not require extraction of new resources (language learning, drama workshops, sports activities, dance workshops, public discussions, the inclusion of migrants into existing volunteer programs ...).

- **Strengthen the capacities of migrants and asylum seekers** who are staying in Serbia for longer periods of time, in order for them to help with future assistance and integration of other migrants and asylum seekers. Focus-group interviews' results suggest that professionals from different sectors have a great need for some kind of **intercultural mediation**, which would include assistance in understanding of cultural specificities of migrants' countries of origin. This is important so that they can adequately respond to the needs of migrants in different systems (particularly in the health system, in the work of police officers and social welfare centres), and even crucial to the success of interventions involving gender-based violence and human trafficking. Also, the involvement of migrants would be required in intercultural mediation and creation of a link between migrants and asylum seekers and the wider community.

- Bearing in mind the already built sensitisation of civil society organisations, their experience in working with different vulnerable groups (those exposed to violence, discrimination, socially excluded), and expressed overload of other systems, it is necessary to support **local citizens' associations** to take a greater role and expand its engagement in working with migrants and asylum seekers. This would primarily be applicable to integration programmes, encouraging interaction between migrants and citizens and helping to establish a programme of intercultural mediation.





## SOURCES

### Reports, studies, newspaper articles

European Commission, DG Home Affairs: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm)

European Council on Refugees and Exiles, Report: Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered, 2008.

Asylum Information Database (AIDA), Report: Not There Yet: An NGO Perspective on Challenges to a Fair and Effective Common European Asylum System, 2013.

UNHCR. Syria Regional Refugee Response <http://data.unhcr.org/syrianrefugees/regional.php>

UNHCR, Combating Human Trafficking: Overview of UNHCR Anti-Trafficking Activities in Europe, 2005.

World Report 2013, Human Rights Watch, <http://www.hrw.org/world-report/2013/country-chapters/eritrea?page=1>  
Migration profile of the Republic of Serbia for 2012,  
[http://www.kirs.gov.rs/docs/migracije/Migracioni\\_profil\\_Republike\\_Srbije\\_za\\_2012.pdf](http://www.kirs.gov.rs/docs/migracije/Migracioni_profil_Republike_Srbije_za_2012.pdf)

UNHCR data on asylum seekers in Serbia for 2013  
<http://www.unhcr.rs/media/asylum-seekers-2013-SRP.pdf>

UNHCR data on asylum seekers in Serbia for 2014  
<http://www.unhcr.rs/dokumenti/statistike/azil.html>

[http://azil.rs/doc/Statistika\\_za\\_2013\\_1.pdf](http://azil.rs/doc/Statistika_za_2013_1.pdf)

UNHCR Global Trends 2013. <http://www.unhcr.org/5399a14f9.html>

*Children on the move – Status and programmes of support and protection of children on the move in the Republic of Serbia*, Galonja, A., Morača, T., Avramović, M., Diegoli T., Atina, Belgrade, 2013.

Annual report on the work of social welfare centres in Serbia in 2011.

<http://www.zavodsz.gov.rs/PDF/izvestavanje/Izvestaj%20o%20radu%20CSR%202011%20-.pdf>

Synthesised report on the work of social welfare centres in Serbia for 2012.

<http://www.zavodsz.gov.rs/PDF/izvestajoradu2013/IZVESTAJ%20CSR%202012%20FIN1.pdf>

Report on the work of institutions for accommodation of children and youth in Serbia for 2011.

<http://www.zavodsz.gov.rs/PDF/izvestavanje/Izvestaj%20o%20radu%20ustanova%20za%20decu%20i%20mlade%202011.pdf>

Synthesised report on the work of institutions for accommodation of children and youth in Serbia for 2012.

<http://www.zavodsz.gov.rs/PDF/izvestajoradu2013/Izvestaj%20za%20decu%20i%20mlade%202012%20FIN.pdf>

*Asylum Seekers in Serbia and Serbian Asylum Seekers in Europe*, Marić S, Petijević S, Stojanović J, Asylum Protection Centre APC/CZA, Belgrade, 2013.

*Challenges of forced migrations in Serbia*, Group 484 and Open Society Foundation, Belgrade, 2012.

Publication within the project "Improvement of the system of asylum protection in Serbia", Asylum Protection Centre APC/CZA, Belgrade, 2013.

*The Right to Asylum 2013*, Belgrade Centre for Human Rights, Belgrade, 2014.

*Protection of victims and prevention of human trafficking in Serbia*, Galonja A, Jovanović S, Joint programme of UNHCR, UNODC and IOM for the fight against human trafficking in Serbia, Belgrade, 2011.

Obrenovac for asylum seekers, Vreme, February 27, 2014. Available at:

<http://www.vreme.rs/cms/view.php?id=1177597&print=yes>

## International documents

Universal Declaration on Human Rights, UN General Assembly Resolution (A/RES/217 A (III), Paris

UN General Assembly Resolution 2200 A (XXI), New York. Law on Ratification of the International Covenant on Civil and Political Rights

UN General Assembly Resolution 2200 A (XXI), New York. Law on Ratification of the International Covenant on Economic, Social and Cultural Rights

Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Geneva

Convention against Transnational Organized Crime and the Protocol for Prevention, Suppression and Punishment of trafficking in persons, especially women and children, UN General Assembly Resolution, A/RES/55/25, New York

Convention on the right of the child, UN General Assembly Resolution, A/RES/44/25, New York

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol on the Involvement of Children in Armed Conflict UN General Assembly Resolution A/RES/54/263, New York

European Convention for the Protection of Human Rights and Fundamental Freedoms, CETS No.:005, Rome

Recommendation CM/Rec(2011)1 of the Committee of Ministers to member states on interaction between migrants and receiving societies

Recommendation CM/Rec(2011)13 of the Committee of Ministers to member states on mobility, migration and access to health care

Recommendation CM/Rec(2011)2 of the Committee of Ministers to member states on validating migrants' skills

Recommendation CM/Rec(2008)4 of the Committee of Ministers to member states on strengthening the integration of children of migrants and of immigrant background

Convention on Action against Trafficking in Human Beings. CETS No.:197, Varšava

Convention on the Protection of Children against Sexual Exploitation and Sexual Violence CETS No.:201, Lanzarot

Dublin Regulation. Council Regulation (EC) No 343/2003

Council Regulation (EC) No 2725/2000 of 11 December 2000 for the establishment of 'Eurodac'

Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status

Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted

Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers

Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof

## Laws of the Republic of Serbia

Constitution of the Republic of Serbia, "Official Gazette of RS", No. 98/2006.

Law on Asylum, "Official Gazette of RS", No. 109/2007.

Law on Foreigners, "Official Gazette of RS", No. 97/2008.

Law on migration management, "Official Gazette of RS", No. 107/2012.

Criminal Code, "Official Gazette of RS", No. 85/2005, 88/2005-amended, 107/2005-amended, 72/2009, 111/2009, 121/2012 and 104/2013.

Law on Health Care, "Official Gazette of RS", No. 107/2005, 72/2009 – state law, 88/2010, 99/2010, 57/2011, 119/2012 and 45/2013 – state law

Law on the foundations of the education system, "Official Gazette of RS", No. 72/2009, 52/2011 and 55/2013.

Law on social welfare, "Official Gazette of RS", No. 24/2011.

Law on Protection of State Border, "Official Gazette of RS", No. 97/2008.

Law on Misdemeanors, "Official Gazette of RS", No. 6/2013.

## Strategies, bylaws

Strategy of Migration Management, "Official Gazette of RS", No. 59/2009.

Strategy for Combating Illegal Migrations in the Republic of Serbia for the period of 2009–2014 "Official Gazette of RS", No. 25/09.

Strategy for the Development of Official Statistics in the Republic of Serbia in the period from 2009 to 2012, "Official Gazette of RS", No. 7/2009

Strategy to combat human trafficking in the Republic of Serbia "Official Gazette of RS", No. 111/2006

National Action Plan for combating trafficking in the Republic of Serbia in the period from 2009. to 2011, "Official Gazette of RS", No. 35/2009.

Strategy for the Fight Against Trafficking in Human Beings and accompanying Action Plan (2013–2018), available at the website of MUP, [http://www.mup.gov.rs/cms\\_lat/sadrzaj.nsf/nacrt-strategije-prevencije-suzbijanja-trgovine-ljudima.h](http://www.mup.gov.rs/cms_lat/sadrzaj.nsf/nacrt-strategije-prevencije-suzbijanja-trgovine-ljudima.h)

Rulebook on Housing Conditions and the Provision of Basic Living Conditions in the Asylum Centre, "Official Gazette of RS", No. 31/2008

Rulebook on social assistance to asylum seekers and persons granted asylum, "Official Gazette of RS", 44/2008

Rulebook on Medical Examinations of Asylum Seekers upon Arrival at the Asylum Centre "Official Gazette of RS" No. 93/2008

Decision on establishing Asylum Centre "Official Gazette of RS", No. 112/2008

Decision on establishing Asylum Centre, "Official Gazette of RS", No. 34/2011

Instruction on the conditions for granting temporary residence to foreign victims of human trafficking

## Up the road

Photos from the shooting of a documentary film “Up the road”, by Mirko Rudić, cameraman Branimir Milovanović.

The film was made within a project “Opening a dialogue in local communities between citizens and migrants on mutual tolerance and non-violence”, and speaks of the phenomenon of migration from Asia and Africa.







